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STATUTES

OF THE

PROVINCE OF ONTARIO

RECEIVING ROYAL ASSENT IN THE YEAR 1984

In which year ended the thirty-second and began the thirty-third year of the Reign of Her Majesty Queen Elizabeth II

And in which year the Fourth Session of the Thirty-Second Legislature of Ontario was convened on the 20th day of March and prorogued on the 14th day of December.

HIS HONOUR JOHN B. AIRD
LIEUTENANT GOVERNOR

TORONTO
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1984

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PART I

PUBLIC ACTS

Chapters 1 to 67

CHAPTER 1

An Act to amend the County Courts Act

Assented to May 1st, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 14 (1) (a) of the *County Courts Act*, being chapter 100 of the Revised Statutes of Ontario, 1980, as amended by subsection 1 (1) of the *County Courts Amendment Act, 1981*, being chapter 24, is further amended by striking out "$15,000" in the amendment of 1981 and inserting in lieu thereof "$25,000".

(2) Clause 14 (1) (b) of the said Act, as amended by subsection 1 (2) of the *County Courts Amendment Act, 1981*, being chapter 24, is further amended by striking out "$15,000" in the amendment of 1981 and inserting in lieu thereof "$25,000".

(3) Clause 14 (1) (c) of the said Act, as amended by subsection 1 (3) of the *County Courts Amendment Act, 1981*, being chapter 24, is further amended by striking out "$15,000" in both instances where it occurs in the amendment of 1981 and inserting in lieu thereof in each instance "$25,000".

(4) Clause 14 (1) (d) of the said Act, as amended by subsection 1 (4) of the *County Courts Amendment Act, 1981*, being chapter 24, is further amended by striking out "$15,000" in the amendment of 1981 and inserting in lieu thereof "$25,000".

(5) Clause 14 (1) (e) of the said Act, as amended by subsection 1 (5) of the *County Courts Amendment Act, 1981*, being chapter 24, is further amended by striking out "$15,000" in the amendment of 1981 and inserting in lieu thereof "$25,000".

(6) Clause 14 (1) (f) of the said Act, as amended by subsection 1 (6) of the *County Courts Amendment Act, 1981*, being

chapter 24, is further amended by striking out "$15,000" in the amendment of 1981 and inserting in lieu thereof "$25,000".

(7) Clause 14 (1) (h) of the said Act, as amended by subsection 1 (8) of the *County Courts Amendment Act, 1981*, being chapter 24, is further amended by striking out "$15,000" in the amendment of 1981 and inserting in lieu thereof "$25,000".

(8) Clause 14 (1) (i) of the said Act, as amended by subsection 1 (9) of the *County Courts Amendment Act, 1981*, being chapter 24, is further amended by striking out "$15,000" in the amendment of 1981 and inserting in lieu thereof "$25,000".

(9) Clause 14 (1) (j) of the said Act, as amended by subsection 1 (10) of the *County Courts Amendment Act, 1981*, being chapter 24, is further amended by striking out "$15,000" in the amendment of 1981 and inserting in lieu thereof "$25,000".

Application

(10) This section does not apply to actions commenced before this section comes into force.

Repeal
1984, c. 11

2. This Act is repealed on the day section 168 of the *Courts of Justice Act, 1984* comes into force.

Commencement

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

4. The short title of this Act is the *County Courts Amendment Act, 1984*.

CHAPTER 2

An Act to amend the Wine Content Act

Assented to May 1st, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. **Subsection 1 (2) of the *Wine Content Act*, being chapter 534 of the Revised Statutes of Ontario, 1980, is amended by striking out "1984" in the second line and inserting in lieu thereof "1986".**

2. **This Act comes into force on the day it receives Royal Assent.** Commencement

3. **The short title of this Act is the *Wine Content Amendment Act, 1984*.** Short title

CHAPTER 3

An Act to amend the Corporations Information Act

Assented to sanctionée le May 1st, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (c) of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(c) "extra-provincial corporation" means a corporation, with or without share capital, incorporated or continued otherwise than by or under the authority of an Act of the Legislature.

2.—(1) Clause 2 (2) (e) of the said Act is amended by inserting after "head" in the first line "or registered".

(2) Section 2 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 23, section 1, is further amended by adding thereto the following subsection:

"Limited Partnership" permitted

(3a) Subsection (3) does not apply to prohibit the use of the expression "Limited Partnership" in the name or style registered by a corporate partner in a limited partnership.

3.—(1) Clause 3 (1) (f) of the said Act is amended by inserting after "head" in the first line and in the second line "or registered".

(2) Subsection 3 (3) of the said Act is amended by striking out "section 4" in the fifth line and inserting in lieu thereof "clauses (1) (a) to (f) or section 4, whichever is applicable".

4. Section 4 of the said Act is repealed and the following substituted therefor:

Information to be filed

4. An extra-provincial corporation shall file the following information:

1. The name of the corporation.

2. The date and manner of its incorporation or amalgamation.

3. The name of the jurisdiction under which the corporation was incorporated, amalgamated or continued.

4. The address of the head or registered office of the corporation.

5. The date on which the corporation commenced activities in Ontario.

6. The name and office address of its chief officer or manager in Ontario.

7. The address of its principal office in Ontario.

8. The name and office address of its agent for service in Ontario.

Commencement

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

6. The short title of this Act is the *Corporations Information Amendment Act, 1984*.

CHAPTER 4

An Act to amend the Liquor Licence Act

Assented to May 1st, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses 1 (j) and (o) of the *Liquor Licence Act*, being chapter 244 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

(j) "Ontario wine" means,

(i) wine produced from grapes, cherries, apples or other fruits grown in Ontario or the concentrated juice thereof and includes Ontario wine to which is added herbs, water, honey, sugar or the distillate of Ontario wine or cereal grains grown in Ontario,

(ii) wine produced by the alcoholic fermentation of Ontario honey, with or without the addition of caramel, natural botanical flavours or the distillate of Ontario honey wine, or

(iii) wine produced from a combination of,

(A) apples grown in Ontario or the concentrated juice thereof to which is added herbs, water, honey, sugar or the distillate of Ontario wine or cereal grains grown in Ontario, and

(B) the concentrated juice of apples grown outside of Ontario,

in such proportion as is prescribed by regulation;

. . . . .

R.S.O. 1980, c. 274

(o) "Tribunal" means The Commercial Registration Appeal Tribunal continued under the *Ministry of Consumer and Commercial Relations Act*.

2. Section 6 of the said Act is amended by adding thereto the following subsections:

Limit on hearings

(5) Where the issuance of a licence is refused on the grounds set out in clause (1) (g), no further application may be made for a licence for the same premises within two years after the completion of the public hearing.

Exception

(6) Where the Board is satisfied that there has been significant change in the circumstances that pertained at the time of the application that led to the hearing under subsection (3), it may permit a re-application within the two-year period referred to in subsection (5).

3. Section 13 of the said Act is repealed.

4. Section 15 of the said Act is repealed.

5. Section 17 of the said Act is repealed and the following substituted therefor:

Decision of Tribunal final R.S.O. 1980, c. 274

17. Notwithstanding subsection 11 (1) of the *Ministry of Consumer and Commercial Relations Act*, the decision of the Tribunal respecting the issuance of or refusal to issue a licence or permit or refusal to approve the transfer of a licence is final.

6. Subsection 18 (3) of the said Act is repealed and the following substituted therefor:

Powers of court on appeal R.S.O. 1980, c. 274

(3) Notwithstanding subsection 11 (5) of the *Ministry of Consumer and Commercial Relations Act*, an appeal under this section may be made on questions of law only.

When order takes effect

(4) An order of the Tribunal revoking or suspending a licence or a permit takes effect upon the order being made but, where an appeal is made to the Divisional Court, the court may grant a stay until the disposition of the appeal.

7. Section 39 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 1, section 1 and 1981, chapter 66, Schedule, is further amended by adding thereto the following clause:

(za) regulating and controlling the possession of liquor sold under any class of licence or permit.

8. Subsection 44 (8) of the said Act is repealed and the following substituted therefor:

Vendor may rely on documentation

(8) A person who sells or supplies liquor to another person on the basis of,

(a) a card in the form prescribed by the regulations purporting to be issued by the Board to the person producing it; or

(b) such other documentation as is prescribed by the regulations indicating or disclosing information prescribed by the regulations,

where there is no apparent reason to doubt,

(c) the authenticity of the card or other documentation; or

(d) that it was issued to the person producing it,

is not in contravention of subsection (1) or (2).

9. Ontario Regulation 805/81 shall be deemed to have come into force on the 13th day of October, 1981.

Commencement

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

11. The short title of this Act is the *Liquor Licence Amendment Act, 1984*.

CHAPTER 5

An Act to amend the Ministry of Consumer and Commercial Relations Act

Assented to May 1st, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 7 (3) of the *Ministry of Consumer and Commercial Relations Act*, being chapter 274 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Members

(3) The Tribunal shall consist of not fewer than three members appointed by the Lieutenant Governor in Council, and the Lieutenant Governor in Council shall appoint one of such members, who shall be a full-time member, as chairman and may appoint one or more of such members as vice-chairmen.

(2) Subsection 7 (4) of the said Act is amended by inserting after "registered" in the third line "or licensed".

(3) Subsection 7 (6) of the said Act is repealed and the following substituted therefor:

Quorum

(6) Subject to subsections (6a) and (7), three members of the Tribunal constitute a quorum and may exercise all the powers of the Tribunal notwithstanding any vacancy in the membership.

(4) Section 7 of the said Act is amended by adding thereto the following subsection:

Idem

(6a) Notwithstanding subsection (6), where the chairman, with the consent of the parties, so declares in writing, the quorum of the Tribunal in respect of any matter specified in the declaration shall be the number of members stated in the declaration and subsection (7) does not apply to a matter determined under this subsection.

(5) Subsection 7 (8) of the said Act is amended by inserting after "registration" in the second line "or licensing".

2.—(1) Subsection 10 (2) of the said Act is repealed and the following substituted therefor:

Information available to members

(2) Members of the Tribunal holding a hearing shall not have taken part in any investigation of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but, members may, independently of each other, examine prior to the hearing any material required to be filed with the Tribunal by the parties to the proceedings by any Act or any regulations made thereunder, and the Tribunal may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to law.

(2) Section 10 of the said Act is amended by adding thereto the following subsection:

Member to complete hearing

(6a) Where during a hearing before the Tribunal, a member of the Tribunal sitting for the hearing,

(a) who was appointed under subsection (4), ceases to be engaged in the industry that he was appointed to represent; or

(b) has his term of office expire,

before the hearing is completed, the member shall remain a member of the Tribunal for the purpose of completing the hearing in the same manner as if he had not ceased to be engaged in the industry or his term of office had not expired.

3. The said Act is amended by adding thereto the following sections:

Disclosure of information

14.—(1) No provision in any Act shall be construed so as to prohibit an employee of the Ministry from disclosing any information that he acquires in the course of his employment,

(a) to another employee of the Ministry where the information disclosed relates to the administration of an Act for which the Minister is responsible; or

(b) to a peace officer where the employee has reason to believe that a criminal offence may have been committed.

Interpretation

(2) In this section, an employee of the Ministry includes an employee of any agency, board or commission for which the Minister is responsible.

Regulations

15. The Lieutenant Governor in Council may make regulations respecting the conduct of and governing the practice and procedure of Tribunal proceedings.

Commencement

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. The short title of this Act is the *Ministry of Consumer and Commercial Relations Amendment Act, 1984*.

CHAPTER 6

An Act to amend the Ombudsman Act

Assented to May 1st, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the *Ombudsman Act*, being chapter 325 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Term of office and removal

4.—(1) Subject to subsection (2), the Ombudsman shall hold office for a term of ten years and may be reappointed for a further term or terms, but is removable at any time for cause by the Lieutenant Governor in Council on the address of the Assembly.

Retirement

(2) The Ombudsman shall retire upon attaining the age of sixty-five years but, where he attains the age of sixty-five years before he has served five years in office, he shall retire upon serving five years in office.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Ombudsman Amendment Act, 1984*.

CHAPTER 7

Arboreal Emblem Act, 1984

Assented to May 1st, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Arboreal emblem of Ontario

1. The tree known botanically as *Pinus strobus* Linnaeus and popularly known as the Eastern White Pine is adopted as and shall be deemed to be the arboreal emblem of the Province of Ontario.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Arboreal Emblem Act, 1984*.

CHAPTER 8

An Act to amend the Justices of the Peace Act

Assented to May 1st, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of the *Justices of the Peace Act*, being chapter 227 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsections:

(4) Subject to subsection (5), a justice of the peace shall not perform duties for which he is remunerated by a fee except in accordance with a duty roster established by the chief judge of the provincial courts (criminal division) or a judge designated by him. Duty roster

(5) In respect of matters pertaining to the business of the provincial courts (family division) a justice of the peace shall not perform duties for which he is remunerated by a fee except in accordance with a duty roster established by the chief judge of the provincial courts (family division) or a judge designated by him. Idem

(6) The duty rosters established under subsections (4) and (5) shall be available to the public. Duty rosters public

2. Subsection 7 (2) of the said Act is repealed and the following substituted therefor:

(2) The Lieutenant Governor in Council may authorize the payment of a salary to a justice of the peace and may make regulations, Salaries and benefits

(a) fixing the salaries of justices of the peace;

(b) providing for the benefits to which justices of the peace who are paid by salary are entitled, including,

(i) leave of absence and vacations,

(ii) sick leave credits and payments in respect of such credits,

and for the transfer or other disposition of benefits in respect thereof to which persons appointed as justices of the peace who are paid by salary were entitled under the *Public Service Act* at the time of their appointment.

R.S.O. 1980, c. 418

3. The said Act is amended by adding thereto the following sections:

Retirement

7a.—(1) Every justice of the peace who is paid by salary shall retire upon attaining the age of sixty-five years.

Continuation in office

(2) A justice of the peace who is paid by salary and who has attained the age for retirement under subsection (1) may, subject to the annual approval of the chief judge of the provincial courts (criminal division) or the chief judge of the provincial courts (family division), continue in office as a justice of the peace who is paid by salary until he attains the age of seventy years.

Idem

(3) A justice of the peace who is paid by salary and who is of the age of sixty-five years or more and is in office on the day the *Justices of the Peace Amendment Act, 1984* comes into force may continue in office until his next birthday and thereafter may continue in office, subject to subsection (2).

1984, c. 8

Removal for cause

7b.—(1) A justice of the peace may be removed from office before attaining retirement age only if the justice of the peace has become incapacitated or disabled from the due execution of his office by reason of,

(a) infirmity;

(b) conduct that is incompatible with the execution of his office; or

(c) having failed to perform the duties of his office,

and only if a complaint against the justice of the peace has been investigated by the Justices of the Peace Review Council.

Order for removal

(2) An order removing a justice of the peace from office under this section may be made by the Lieutenant Governor in Council, and the order and recommendation of the Justices of the Peace Review Council shall be laid before the Legisla-

tive Assembly if it is in session or, if not, within fifteen days after the commencement of the next ensuing session.

4.—(1) Clause 8 (3) (b) of the said Act is repealed and the following substituted therefor:

(b) to receive complaints against justices of the peace.

(2) Subsection 8 (4) of the said Act is amended by striking out "Attorney General" in the fifth line and inserting in lieu thereof "chief judge".

(3) Section 8 of the said Act is amended by adding thereto the following subsection:

(5a) The investigation of a complaint against a justice of the peace may be held in public or in private, unless the Attorney General requires that it be held in public. Investigations in public or private

5. This Act shall not be considered in the judicial determination of an issue as to the jurisdiction of a justice of the peace on the ground that he does not have the degree of independence required by the Canadian Charter of Rights and Freedoms, if the issue was raised in a proceeding before the 29th day of March, 1984 and has not been finally disposed of before this Act comes into force. Consideration of amendments in certain pending proceedings

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. The short title of this Act is the *Justices of the Peace Amendment Act, 1984*. Short title

CHAPTER 9

An Act to amend the Healing Arts Radiation Protection Act

Assented to May 1st, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The *Healing Arts Radiation Protection Act*, being chapter 195 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

22a.—(1) In this section, "hospital" has the same meaning as in the *Public Hospitals Act*. Interpretation R.S.O.1980, c. 410

(2) No person shall install or operate or cause or permit the installation or operation of a computerized axial tomography scanner except, C.A.T. scanners

(a) in a hospital or other facility;

(b) in a hospital within a class of hospitals; or

(c) in a facility within a class of facilities,

prescribed by the regulations.

(3) No person shall install or operate or cause or permit the installation or operation of more computerized axial tomography scanners, Idem

(a) in a hospital or other facility;

(b) in a hospital within a class of hospitals; or

(c) in a facility within a class of facilities,

than the number of computerized axial tomography scanners prescribed by the regulations in respect of the hospital or other facility or the class of hospitals or facilities of which the hospital or facility is a member.

(2) Section 22a of the said Act, as enacted by subsection (1), does not apply in respect of a computerized axial tomography scanner that has been installed before the coming into force of this section.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Healing Arts Radiation Protection Amendment Act, 1984*.

CHAPTER 10

An Act to amend the Municipality of Metropolitan Toronto Act

Assented to May 1st, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 127 (4) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 9, section 6, is repealed and the following substituted therefor:

Reduction of apportionment

(4) Where the estimates for public elementary or for secondary school purposes of a board of education in the Metropolitan Area that are approved in whole or in part by the School Board have been reduced in accordance with clause 133 (1) (b) by the application of a surplus, the School Board shall reduce the apportionment for public elementary or for secondary school purposes, as the case requires, to the area municipality in which the board of education has jurisdiction in an amount computed in accordance with subsection (4a).

Rules for reduction

(4a) The following rules apply in respect of the reduction of an apportionment under subsection (4) in relation to a specific year:

1. Compute for the immediately preceding year the proportion that the total rateable property for public elementary school purposes or for secondary school purposes, as the case requires, in the area municipality was of the total rateable property in relation to the Metropolitan Area.

2. Compute in respect of the immediately preceding year the proportion that the estimates of the board of education approved by the School Board for public elementary school purposes or for secondary school purposes, as the case requires, was of the

aggregate of the estimates of all of the boards of education approved by the School Board.

3. Divide the proportion computed under Rule 1 by the proportion computed under Rule 2.

4. Where the quotient computed under Rule 3 is equal to or greater than one, the apportionment shall be reduced by an amount equal to the amount of the surplus mentioned in subsection (4).

5. Where the quotient computed under Rule 3 is less than one, the apportionment shall be reduced by an amount computed by multiplying the surplus mentioned in subsection (4) by the quotient computed under Rule 3.

(2) Section 127 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 9, section 6, is further amended by adding thereto the following subsections:

Transfer of balance of surplus

(6a) Every board of education shall transfer to the School Board an amount equal to the difference between the amount of the surplus of the board of education mentioned in clause 133 (1) (b) and an amount equal to the amount computed in respect of the board of education under subsection (4a).

Application of amount transferred

(6b) The School Board shall apply amounts transferred to it under subsection (6a) to reduce the estimates submitted by it to the Metropolitan Council.

(3) Sub-subclause 127 (7) (c) (i) (B) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 9, section 6, is repealed and the following substituted therefor:

(B) the quotient obtained by dividing the commercial assessment by 0.85, and

. . . . .

2.—(1) Clause 130j (1) (c) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 9, section 8, is repealed.

(2) Clause 130j (2) (b) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 9, section 8, is repealed and the following substituted therefor:

(b) does not exceed the aggregate of the amounts that are required to be transferred to the board of education under sections 133 and 133a for public ele-

mentary school purposes or for secondary school purposes, as the case requires, by the council of the area municipality in which the board of education has jurisdiction and by the School Board.

(3) Subsection 130j (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 9, section 8, exclusive of the clauses, is repealed and the following substituted therefor:

Termination of employment, additional elementary school teachers

(4) Where the increase in the apportionment mentioned in subsection (3) exceeds the aggregate of the amounts mentioned in clause (2) (b) that are required to be transferred to the board of education for public elementary school purposes, the board of education,

. . . . .

(4) Subsection 130j (5) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 9, section 8, exclusive of the clauses, is repealed and the following substituted therefor:

Termination of employment, secondary school teachers

(5) Where the increase in the apportionment mentioned in subsection (3) exceeds the aggregate of the amounts mentioned in clause (2) (b) that are required to be transferred to the board of education for secondary school purposes, the board of education,

. . . . .

3.—(1) Subsection 133 (4) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 9, section 9, is repealed and the following substituted therefor:

Estimates to council of area municipality

(4) If the estimates of a board of education are not approved in whole by the School Board, the board of education may submit to the council of the area municipality in which the board of education has jurisdiction the estimates of the board of education that were submitted to the School Board as adjusted in accordance with subsections (4a) and (4b) and a requisition of the amount of the estimates for public elementary school purposes and for secondary school purposes required to be raised by the council.

Adjustment of estimates

(4a) The estimates mentioned in subsection (4) shall be adjusted as follows:

1. The board of education shall adjust the estimates to include and to make due allowance for the revenues to be derived from the School Board pursuant to the estimates approved by the School Board.

2. The board of education shall adjust the estimates so that the difference between the estimates of amounts required by the board of education for public elementary school purposes and the revenues for such purposes to be derived by the board of education from the School Board pursuant to the estimates approved by the School Board shall not exceed a sum computed by,

   i. dividing the estimates of the board of education for public elementary school purposes approved by the School Board by the aggregate of the estimates of all the boards of education for public elementary school purposes approved by the School Board,

   ii. multiplying the quotient computed under subparagraph i by one and one-half mills in the dollar upon the total rateable property (as defined in section 127) in the Metropolitan Area for public elementary school purposes, and

   iii. reducing the product computed under subparagraph ii by an amount equal to the amount of any deficit used to increase the apportionment to the area municipality under section 127 for public elementary school purposes.

3. The board of education shall adjust the estimates so that the difference between the estimates of amounts required by the board of education for secondary school purposes and the revenues for such purposes to be derived by the board of education from the School Board pursuant to the estimates approved by the School Board shall not exceed a sum computed by,

   i. dividing the estimates of the board of education for secondary school purposes approved by the School Board by the aggregate of the estimates of all the boards of education for secondary school purposes approved by the School Board,

   ii. multiplying the quotient computed under subparagraph i by one mill in the dollar upon the total rateable property (as defined in section

127) in the Metropolitan Area for secondary school purposes, and

iii. reducing the product computed under subparagraph ii by an amount equal to the amount of any deficit used to increase the apportionment to the area municipality under section 127 for secondary school purposes.

Further adjustment

(4b) The estimates, as adjusted under subsection (4a) shall be further adjusted as follows:

1. The board of education shall divide the amount that, having regard for the computations required by subsection (4a), the board of education determines is necessary for its purposes by the amount of the estimates of the board of education that have been approved by the School Board as adjusted in accordance with subsection (4a), but excluding the adjustment in subparagraph iii of paragraph 2 or in subparagraph iii of paragraph 3, as the case requires, of subsection (4a).

2. The board of education shall multiply the quotient obtained under paragraph 1 by,

   i. one and one-half mills in the dollar upon the total rateable property (as defined in section 127) in the area municipality for public elementary school purposes, or

   ii. one mill in the dollar upon the total rateable property (as defined in section 127) in the area municipality for secondary school purposes.

Transmittal of copy to School Board

(4c) A board of education that submits estimates and a requisition to the council of an area municipality under subsection (4) shall transmit to the School Board a copy of the estimates and requisition.

Time limit

(4d) A board of education must submit its estimates and requisition under subsection (4) and transmit a copy under subsection (4b) within twenty days after the School Board notifies the board of education under subsection (2) of the extent to which its estimates have been approved by the School Board.

(2) Subsection 133 (5) of the said Act is repealed and the following substituted therefor:

Local levy

(5) The council of an area municipality shall levy and collect each year the moneys requisitioned for the year for public elementary school purposes or for secondary school purposes, or both, in accordance with subsection (4) by the board of education that has jurisdiction in the area municipality.

Where levy equal to need

(5a) Where the moneys to be levied and collected by the council of an area municipality under subsection (5) are equal to the amount the board of education that has jurisdiction in the area municipality has determined, having regard for the computations required by subsection (4a), is necessary for the purposes of the board of education, the council shall transfer the moneys it is required to levy and collect to the board of education from time to time as required by the board of education, but not later than the 15th day of December in the year for which the moneys were requisitioned under subsection (5).

Where levy less than need

(5b) Where the moneys to be levied and collected by the council of an area municipality under subsection (5) are less than the amount the board of education that has jurisdiction in the area municipality has determined, having regard for the computations required by subsection (4a), is necessary for the purposes of the board of education,

(a) the council shall transfer the moneys it is required to levy and collect to the board of education from time to time as required by the board of education, but not later than the 15th day of December in the year for which the moneys were requisitioned under subsection (5); and

(b) the School Board shall transfer to the board of education an amount equal to the difference between the amount the board of education has determined, having regard for the computations required by subsection (4a), is necessary for the purposes of the board of education and the amount of the moneys the council of the area municipality is required to transfer under clause (a) to the board of education.

Where levy greater than need

(5c) Where the moneys to be levied and collected by the council of an area municipality under subsection (5) are greater than the amount the board of education that has jurisdiction in the area municipality has determined, having regard for the computations required by subsection (4a), is necessary for the purposes of the board of education,

(a) the council shall transfer to the board of education from time to time as required by the board of edu-

cation, but not later than the 15th day of December in the year for which the moneys were requisitioned under subsection (5), amounts that in the aggregate do not exceed the amount the board of education has determined is necessary for its purposes; and

(b) the council shall transfer to the School Board, at the same times as amounts are transferred under clause (a), amounts that in the aggregate are equal to the difference between the amount of moneys that the council is required to levy and collect and the aggregate of the amounts that the council is required under clause (a) to transfer to the board of education.

4. The said Act is amended by adding thereto the following sections:

Interpretation

133a.—(1) In this section, "Board of Education" means The Board of Education for the City of Toronto.

City of Toronto, transitional

(2) Where in the years 1984, 1985, 1986 and 1987 the Board of Education determines that more moneys are necessary for its public elementary school purposes than will be obtained under other sections in this Part, the Board of Education may submit to the council of the City of Toronto with the estimates submitted under subsection 133 (4) a requisition for such additional moneys.

Maximum amount

(3) The maximum amount that may be requisitioned under subsection (2) is the amount of money that would be raised by a levy of,

(a) 0.4 mills in the dollar in the year 1984;

(b) 0.3 mills in the dollar in the year 1985;

(c) 0.2 mills in the dollar in the year 1986; and

(d) 0.1 mills in the dollar in the year 1987,

upon the total rateable property (as defined in section 127) in the City of Toronto for public elementary school purposes.

Levy

(4) The council of the City of Toronto shall levy and collect in the year the moneys requisitioned in accordance with subsections (2) and (3) for the year by the Board of Education and shall transfer the moneys to the Board of Education from time to time as required by the Board of Education, but not

later than the 15th day of December in the year for which the moneys were requisitioned.

Application of moneys transferred to School Board

133b.—(1) The School Board shall apply moneys transferred to it in each year under section 133 by the councils of the area municipalities,

(a) firstly, for the purpose of the transfers to boards of education that the School Board is required to make in the year under section 133; and

(b) secondly, to reduce the estimates submitted by the School Board to the Metropolitan Council in the next year.

Reduction of estimates in current year

(2) Where, in any year, the School Board complies with clause (1) (a) before submitting its estimates to the Metropolitan Council, the School Board may apply any amount remaining out of the moneys transferred to it under section 133 to reduce its estimates in the year instead of the next year.

Increase of estimates in current year

(3) Where, in any year, sufficient moneys are not transferred to the School Board under section 133 to enable it to comply with clause (1) (a) and the School Board has not submitted its estimates for the year to the Metropolitan Council, the School Board may include in the estimates the amount that it considers necessary to enable it to comply with clause (1) (a).

Short term borrowing

(4) Where, in any year, sufficient moneys are not transferred to the School Board under section 133 to enable it to comply with clause (1) (a) and the School Board has submitted its estimates for the year to the Metropolitan Council, the School Board may borrow the moneys required to enable it to comply with clause (1) (a) by promissory note until sufficient moneys are transferred to the School Board under section 133 or by the Metropolitan Council.

Elementary school purposes

(5) Moneys levied and collected upon requisitions for public elementary school purposes shall be applied under subsection (1) in respect of public elementary school purposes.

Secondary school purposes

(6) Moneys levied and collected upon requisitions for secondary school purposes shall be applied under subsection (1) in respect of secondary school purposes.

Commencement

5. **This Act shall be deemed to have come into force on the 1st day of January, 1984.**

Short title

6. **The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1984*.**

CHAPTER 11

An Act to revise and consolidate the Law respecting the Organization, Operation and Proceedings of Courts of Justice in Ontario

Assented to May 1st, 1984

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "action" means a civil proceeding that is not an application and includes a proceeding commenced in the Supreme Court or the District Court by,

(i) statement of claim,

(ii) notice of action,

(iii) counterclaim,

(iv) crossclaim,

(v) third or subsequent party claim, or

(vi) divorce petition or counterpetition,

and a proceeding commenced in the Provincial Court (Civil Division) by claim;

(b) "application" means a civil proceeding in the Supreme Court or the District Court that is commenced by notice of application or a civil proceeding in the Unified Family Court, a surrogate court or the Provincial Court (Family Division) that is commenced by application;

(c) "defendant" means a person against whom an action is commenced;

(d) "hearing" includes a trial;

(e) "motion" means a motion in a proceeding or an intended proceeding;

(f) "order" includes a judgment or decree;

(g) "plaintiff" means a person who commences an action;

(h) "Rules of Civil Procedure" means the rules for the Supreme Court and the District Court made under Part V.

PART I

SUPREME COURT OF ONTARIO

ORGANIZATION

Supreme Court

2.—(1) The Supreme Court of Ontario is continued as a superior court of record having civil and criminal jurisdiction, with all the jurisdiction, power and authority historically exercised by courts of common law and equity in England and Ontario.

Branches

(2) The Supreme Court shall continue to consist of two branches, the Court of Appeal for Ontario and the High Court of Justice for Ontario. R.S.O. 1980, c. 223, ss. 2, 3.

Court of Appeal

3.—(1) The Court of Appeal shall consist of the Chief Justice of Ontario, who shall be president of the court, the Associate Chief Justice of Ontario and fourteen other judges to be called justices of appeal.

Absence of Chief Justice

(2) Where the Chief Justice of Ontario is absent from Ontario or is for any reason unable to act, the powers and duties of the Chief Justice as president of the Court of Appeal shall be exercised and performed by the Associate Chief Justice of Ontario or, where both are absent or unable to act, by the senior justice of appeal who is present and able to act. R.S.O. 1980, c. 223, s. 4.

High Court

4.—(1) The High Court shall consist of the Chief Justice of the High Court, who shall be president of the court, the Associate Chief Justice of the High Court and such number of other judges as is fixed under subsection (2). R.S.O. 1980, c. 223, s. 5 (1); 1981, c. 23, s. 2 (1).

Number of judges

(2) The Lieutenant Governor in Council may by regulation fix the number of judges of the High Court who are in addition to the Chief Justice and Associate Chief Justice, but where the number is reduced by regulation, the reduction shall not be applied to affect appointments existing at the time of the reduction. 1981, c. 23, s. 2 (2).

Absence of Chief Justice

(3) Where the Chief Justice of the High Court is absent from Ontario or is for any reason unable to act, all the powers and duties of the Chief Justice of the High Court shall be exercised and performed by the Associate Chief Justice of the High Court or, where both are absent or unable to act, by the senior judge of the High Court who is present and able to act. R.S.O. 1980, c. 223, s. 5 (2).

Divisional Court

5.—(1) There shall be a division of the High Court to be known as the Divisional Court of the High Court of Justice for Ontario consisting of the Chief Justice of the High Court who shall be president of the court and such other judges of the High Court as the Chief Justice may designate from time to time.

Jurisdiction of judges

(2) Every judge of the High Court is also a judge of the Divisional Court. R.S.O. 1980, c. 223, s. 7.

Additional judges

6.—(1) For each of the offices of Chief Justice of Ontario and Associate Chief Justice of Ontario there shall be such additional offices of judges of the Court of Appeal as are from time to time required, to be held by Chief Justices of Ontario

and Associate Chief Justices of Ontario who have elected under the *Judges Act* (Canada) to perform only the duties of a judge of the Court of Appeal.

R.S.C. 1970, c. J-1

Idem

(2) For each of the offices of Chief Justice of the High Court and Associate Chief Justice of the High Court there shall be such additional offices of judge of the High Court as are from time to time required, to be held by Chief Justices of the High Court and Associate Chief Justices of the High Court who have elected under the *Judges Act* (Canada) to perform only the duties of a judge of the High Court. *New.*

Supernumerary judges

(3) For each office of judge of the Court of Appeal and of the High Court of Justice there shall be the additional office of supernumerary judge held by a judge of such court who has elected under the *Judges Act* (Canada) to hold office only as a supernumerary judge of that court. R.S.O. 1980, c. 223, s. 6.

Rank and precedence

7.—(1) The judges of the Supreme Court have rank and precedence as follows:

1. The Chief Justice of Ontario.
2. The Chief Justice of the High Court.
3. The Associate Chief Justice of Ontario.
4. The Associate Chief Justice of the High Court.
5. The other judges of the Supreme Court, according to seniority of appointment. R.S.O. 1980, c. 223, s. 8.

Court of Appeal

(2) Among themselves, the judges of the Court of Appeal have rank and precedence, after the Chief Justice of Ontario and the Associate Chief Justice of Ontario, according to seniority of appointment to the Court of Appeal. *New.*

Jurisdiction of judges

8. A judge appointed to the Court of Appeal or the High Court is a judge of the Supreme Court and, by virtue of his or her office, a judge of the branch of which he or she is not a member and, except as otherwise provided, all judges of the Supreme Court have equal jurisdiction, power and authority. R.S.O. 1980, c. 223, s. 9.

Assignment of judges to another court

9.—(1) The Chief Justice of Ontario may assign a judge of the Court of Appeal to perform, in Toronto, the work of a judge of the High Court.

Idem

(2) The Chief Justice of Ontario, with the concurrence of the Chief Justice of the High Court, may assign a judge of the High Court to sit as a member of the Court of Appeal. R.S.O. 1980, c. 223, s. 42 (1, 2).

Council of judges

10.—(1) A council of the judges of the Supreme Court shall be held in Toronto at least once in each year, on a day fixed by the Chief Justice of Ontario, for the purpose of considering this Act, the Rules of Civil Procedure and the administration of justice generally.

Recommendations

(2) The judges shall report their recommendations to the Attorney General. R.S.O. 1980, c. 223, s. 118 (1, 2).

Delegation of powers

11. Where a power or authority is conferred on the judges of the Supreme Court or the High Court as a body, they may delegate the power or authority to a committee of themselves. R.S.O. 1980, c. 223, s. 119 (1).

Local judges

12.—(1) Every District Court judge may be appointed as a local judge of the High Court.

Jurisdiction

(2) Every local judge has the jurisdiction conferred by the Rules of Civil Procedure.

Idem

(3) Subject to the Rules of Civil Procedure, every local judge has all the jurisdiction of a judge of the High Court to hear and determine actions under the *Divorce Act* (Canada) and, where a claim for other relief is joined in a petition for divorce, a local judge has the same jurisdiction to hear and determine the claim as a judge of the High Court.

R.S.C. 1970, c. D-8

Idem

(4) A local judge may act in any county or district. R.S.O. 1980, c. 223, s. 121.

JURISDICTION

High Court jurisdiction

13.—(1) Unless otherwise provided, proceedings in the Supreme Court shall be in the High Court.

Appeals to High Court

(2) Subject to the *Divorce Act* (Canada), an appeal lies to the High Court from,

(a) an interlocutory order of a master;

(b) an interlocutory order of a local judge of the High Court, where the order could have been made by a master;

(c) a certificate of assessment of costs issued in a proceeding in the Supreme Court, where the appeal is on an issue in respect of which an objection was served under the Rules of Civil Procedure. *New.*

Composition of court for hearings

14.—(1) Unless otherwise provided by an Act or the Rules of Civil Procedure, every proceeding in the High Court shall be heard and determined by one judge of the High Court.

Sittings

(2) The sittings of the High Court and the assignment of judges thereto shall be determined by the judges of the High Court, with power in the Chief Justice of the High Court to make such readjustment or reassignment as is necessary from time to time. R.S.O. 1980, c. 223, s. 45 (1-3).

Idem

(3) At least two sittings of the High Court shall be held in each year in every county and district but, when there are not enough proceedings ready to be heard at the sitting to justify a separate sitting, the sitting may be held in an adjacent county or district. R.S.O. 1980, c. 223, s. 48 (6).

Divisional Court jurisdiction

R.S.C. 1970, c. D-8

15.—(1) Subject to the *Divorce Act* (Canada), an appeal lies to the Divisional Court from,

(a) a final order of a judge or local judge of the High Court,

(i) for a single payment of not more than $25,000, exclusive of costs,

(ii) for periodic payments that amount to not more than $25,000, exclusive of costs, in the twelve months commencing on the date the first payment is due under the order,

(iii) dismissing a claim for an amount that is not more than the amount set out in subclause (i) or (ii), or

(iv) dismissing a claim for an amount that is more than the amount set out in subclause (i) or (ii) and in respect of which the judge indicates that if the claim had been allowed the amount awarded would have been not more than the amount set out in subclause (i) or (ii);

(b) an interlocutory order of a judge of the High Court, with leave as provided in the Rules of Civil Pro-

cedure, other than an order made on an appeal from the District Court;

(c) an interlocutory order of a local judge of the High Court, with leave as provided in the Rules of Civil Procedure, other than an order that could have been made by a master;

(d) a final order of a master;

(e) a final order of a local judge of the High Court, where the order could have been made by a master. R.S.O. 1980, c. 223, s. 17.

Combining of appeals lying to High Court

(2) Where an appeal in a proceeding lies to the High Court and an appeal in the same proceeding lies to and is taken to the Divisional Court, the Divisional Court has jurisdiction to hear and determine the appeal that lies to the High Court at the same time as the appeal to the Divisional Court and may, on motion, transfer an appeal that has already been commenced in the High Court to the Divisional Court. *New.*

Composition of court for hearings

16.—(1) Unless otherwise provided, every proceeding in the Divisional Court shall be heard and determined by three judges sitting together.

Idem

(2) A proceeding in the Divisional Court may be heard and determined by one judge where the proceeding,

(a) is an appeal under clause 15 (1) (d) or (e);

(b) is an appeal under section 83 (from the Provincial Court (Civil Division)); or

(c) is in a matter that the Chief Justice of the High Court or a judge designated by the Chief Justice is satisfied, from the nature of the issues involved and the necessity for expedition, can and ought to be heard and determined by one judge. R.S.O. 1980, c. 223, s. 46.

Idem

(3) A motion in the Divisional Court, unless otherwise provided by the Rules of Civil Procedure, shall be heard and determined by one judge, but,

(a) the judge may adjourn the motion to a panel of the Divisional Court;

(b) where the motion is heard by one judge, a panel of the Divisional Court may, on motion, set aside or

vary the decision of the judge. R.S.O. 1980, c. 223, s. 40.

Sittings

(4) Sittings of the Divisional Court shall be held at such times and in such places as the Chief Justice of the High Court directs. R.S.O. 1980, c. 223, s. 46 (4).

Court of Appeal jurisdiction

17.—(1) An appeal lies to the Court of Appeal from,

(a) an order of the Divisional Court, on a question that is not a question of fact alone, with leave as provided in the Rules of Civil Procedure;

(b) a final order of a judge of the High Court, except an order referred to in clause 15 (1) (a);

(c) a final order of a local judge of the High Court, except an order referred to in clause 15 (1) (a) or where the order could have been made by a master. R.S.O. 1980, c. 223, s. 28 (1).

Combining of appeals lying to other courts

(2) Where an appeal in a proceeding lies to the Divisional Court or High Court, and an appeal in the same proceeding lies to and is taken to the Court of Appeal, the Court of Appeal has jurisdiction to hear and determine the appeal that lies to the Divisional Court or High Court at the same time as the appeal to the Court of Appeal and may, on motion, transfer an appeal that has already been commenced in the High Court or Divisional Court to the Court of Appeal. *New.*

Composition of court for hearings

18.—(1) Unless otherwise provided, every proceeding in the Court of Appeal shall be heard and determined by not fewer than three judges sitting together, and always by an uneven number of judges.

Idem

R.S.C. 1970, c. D-8

(2) An appeal to the Court of Appeal from an interim order under section 10 of the *Divorce Act* (Canada) may be heard and determined by one judge, unless it is to be heard with an appeal that, but for subsection 17 (2), would have been heard by three judges of the Divisional Court. R.S.O. 1980, c. 223, s. 41.

Idem

(3) A motion in the Court of Appeal, except a motion for leave to appeal, a motion to quash an appeal or such other motion as is specified by the Rules of Civil Procedure, shall be heard and determined by one judge, but,

(a) the judge may adjourn the motion to a panel of the Court of Appeal;

(b) where the motion is heard by one judge, a panel of the Court of Appeal may, on motion, set aside or vary the decision of the judge. R.S.O. 1980, c. 223, s. 33.

Presiding judge

(4) The senior judge on a panel of the Court of Appeal shall preside but, where the senior judge is a supernumerary judge, the Chief Justice of Ontario, on the request of the senior judge, may designate another judge to preside. R.S.O. 1980, c. 223, s. 44.

Sittings

(5) The Chief Justice of Ontario has general supervision and direction over the sittings of the Court of Appeal and the assignment of the judicial duties of the court. R.S.O. 1980, c. 223, s. 41 (4).

References to Court of Appeal

19.—(1) The Lieutenant Governor in Council may refer any question to the Court of Appeal for hearing and consideration.

Opinion of court

(2) The court shall certify its opinion to the Lieutenant Governor in Council, accompanied by a statement of the reasons therefor, and any judge who differs from the opinion may in like manner certify his or her opinion and reasons.

Submissions by Attorney General

(3) On the hearing of the question, the Attorney General of Ontario is entitled to make submissions to the court.

Idem

(4) Where a question relates to the constitutional validity or constitutional applicability of an Act of the Parliament of Canada or the Legislature, or of a regulation or by-law made thereunder, the Attorney General of Canada shall be notified and is entitled to make submissions to the court.

Notice

(5) The court may direct that any person interested, or any one or more persons as representatives of a class of persons interested, be notified of the hearing and be entitled to make submissions to the court.

Appointment of counsel

(6) Where an interest affected is not represented by counsel, the court may request counsel to argue on behalf of the interest, and the reasonable expenses thereof shall be paid by the Treasurer of Ontario.

Appeal

(7) The opinion of the court shall be deemed to be a judgment of the court and an appeal lies therefrom as from a judgment in an action. R.S.O. 1980, c.86.

OFFICERS

Masters

20.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such masters of the Supreme Court as are considered necessary. R.S.O. 1980, c. 223, s. 96 (1).

Qualifications

(2) No person shall be appointed as a master unless he or she has been a member of the bar of one of the provinces of Canada for at least ten years.

Jurisdiction

(3) Every master has the jurisdiction conferred by the Rules of Civil Procedure. *New.*

Regulations

(4) The Lieutenant Governor in Council may make regulations,

(a) fixing the remuneration of masters;

(b) providing for the benefits to which masters are entitled, including,

(i) leave of absence and vacations,

(ii) sick leave credits and payments in respect of such credits,

(iii) pension benefits for masters and their surviving spouses and children,

and for the transfer or other disposition of benefits in respect thereof to which persons appointed as masters were entitled under the *Public Service Act* or the *Public Service Superannuation Act* at the time of their appointment. R.S.O. 1980, c. 223, s. 100 (1).

R.S.O. 1980, cc. 418, 419

Contributions

(5) Regulations made under clause (4) (b) may require masters to contribute from their salaries part of the cost of benefits and may fix the amount of the contributions.

Application of R.S.O. 1980, c. 419

(6) A regulation made under clause (4) (b) may modify or exclude the application of the *Public Service Superannuation Act.*

Application of s. (4) (b)

(7) A regulation made under clause (4) (b) may be general or particular in its application. 1983, c. 78, s. 1.

Senior Master

(8) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a master as Senior Master.

Duties

(9) The Senior Master has general supervision and direction over the sittings of the masters and the assignment of their judicial duties.

Temporary appointments

(10) The Attorney General may designate a master to act in the place of the Senior Master for all purposes during his or her absence or inability to act. R.S.O. 1980, c. 223, s. 99.

Application of ss. 53-60, 65

(11) Sections 53 to 60 and section 65 apply with necessary modifications to masters and the Senior Master in the same manner as to provincial judges and a chief judge, respectively. R.S.O. 1980, c. 223, ss. 96 (2-4), 97, 98, 100 (2, 3).

Registrar

21.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a Registrar of the Supreme Court of Ontario.

Local registrars

(2) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a local registrar of the Supreme Court for each county and district and additional local registrars for such counties and districts as are indicated in the appointment. *New.*

Deputy local registrars

(3) With the approval of the Attorney General, every local registrar may appoint in writing a deputy local registrar who may exercise and perform all the powers and duties of the local registrar. R.S.O. 1980, c. 223, s. 85.

Accountant

22.—(1) The Accountant of the Supreme Court is continued as a corporation sole by the name of "Accountant of the Supreme Court of Ontario".

Appointment

(2) The Lieutenant Governor in Council may appoint the Accountant of the Supreme Court.

Money vested in Accountant

(3) Money paid into the Supreme Court shall be paid to the Accountant and such money and securities in which the money is invested are vested in the Accountant. R.S.O. 1980, c. 223, s. 110 (1, 2).

Security held by Accountant

(4) Mortgages and other securities taken under an order of the Supreme Court and instruments taken as security in respect of a proceeding in the Supreme Court shall be taken in the name of the Accountant and shall be deposited in his or her office, except where an order provides otherwise.

Idem

(5) Subject to an order of the court, the Accountant has no duty or obligation in respect of the instruments deposited under subsection (4) except as custodian of the instruments. *New.*

Audit by Provincial Auditor

(6) The Provincial Auditor shall examine and report on the accounts and financial transactions of the Accountant. R.S.O. 1980, c. 223, s. 115.

Finance committee

23.—(1) The finance committee is continued and shall be composed of three persons appointed by the Lieutenant Governor in Council.

Management of court funds

(2) The finance committee has control and management of the money in the Supreme Court, the investment of the money and the securities in which it is invested.

Investment of court funds

R.S.O. 1980, c. 161

(3) Money that is available for investment shall be invested in investments in which the Treasurer of Ontario may invest public money under section 3 of the *Financial Administration Act*.

Employment of trust company

(4) The finance committee may employ a trust company to make the investments or act as custodian of the securities purchased as investments.

Interest

(5) The finance committee may provide for the payment of interest on money paid into the Supreme Court and may fix the rate of interest so paid.

Reserve funds

(6) The finance committee may establish such reserve funds as it considers necessary. R.S.O. 1980, c. 223, s. 111.

Other Officers

24. In addition to the officers specifically provided for in this Act, the Lieutenant Governor in Council on the recommendation of the Attorney General, may appoint such officers of the Supreme Court as are considered necessary. R.S.O. 1980, c. 223, s. 83 (1).

PART II

DISTRICT COURT OF ONTARIO

ORGANIZATION

District Court

25.—(1) The county and district courts, the courts of general sessions of the peace and the county and district court judges' criminal courts are amalgamated and continued as a single court of record having civil and criminal jurisdiction,

named the District Court of Ontario. R.S.O. 1980, c. 100, s. 2.

(2) The District Court shall be presided over by a judge of the court. R.S.O. 1980, c.100, s. 3. Judge to preside

26.—(1) The District Court shall consist of the Chief Judge of the District Court, who shall be president of the court, the Associate Chief Judge of the District Court, a senior judge for each county or district designated under clause (2) (b) and such number of other judges as is fixed under clause (2) (a). Judges

(2) The Lieutenant Governor in Council may make regulations, Regulations

(a) fixing the number of judges of the court who are in addition to the Chief Judge, Associate Chief Judge and senior judges, but where the number is reduced by regulation, the reduction shall not be applied to affect appointments existing at the time of the reduction;

(b) designating counties and districts to which more than one judge shall be assigned; and

(c) establishing regions for the purposes of this Part. R.S.O. 1980, c. 101, ss. 1-4, 15, 16 (1).

(3) A judge of a county or district court may preside as a judge of the District Court. County or district judges presiding in District Court

(4) Nothing in this Part affects the rights or privileges of a judge who was appointed as a judge of a county or district court before this Part comes into force. *New.* Rights and privileges of judges preserved

27.—(1) The Chief Judge of the District Court has general supervision and direction over the sittings of the court and the assignment of the judicial duties of the court. R.S.O. 1980, c. 101, s. 16 (4). Chief Judge

(2) At least one judge of the District Court shall be assigned by the Chief Judge to each county and district. *New.* Assignment of judges

(3) For the purposes of arranging the sittings of the District Court and considering matters relating to the court and the judges, the Chief Judge shall convene a meeting of the judges Annual meeting in regions

of each region at least once in every year. R.S.O. 1980, c. 101, s. 16 (5).

Absence of Chief Judge

(4) Where the Chief Judge is absent from Ontario or is for any reason unable to act, all the powers and duties of the Chief Judge shall be exercised and performed by the Associate Chief Judge or, where both are absent or unable to act, by a judge designated by the Chief Judge. R.S.O. 1980, c. 101, s. 16 (3).

Senior judges

28.—(1) The senior judge of a county or district shall, subject to the authority of the Chief Judge, direct and supervise the sittings of the court in the county or district and the assignment of the judicial duties of the court in the county or district. R.S.O. 1980, c. 101, s. 7.

Idem

(2) A judge who, on the coming into force of this Part, was a senior judge of a county or district court under subsection 2 (2) of the *County Judges Act*, being chapter 101 of the Revised Statutes of Ontario, 1980, may, subject to the authority of the Chief Judge, direct and supervise the sittings of the District Court in the county or district and the assignment of the judicial duties of the District Court in the county or district. *New.*

Additional judges

29.—(1) For each of the offices of Chief Judge of the District Court and Associate Chief Judge of the District Court, there shall be such additional offices of judge of the District Court as are from time to time required, to be held by Chief Judges and Associate Chief Judges who have elected under the *Judges Act* (Canada) to perform only the duties of a judge of the District Court. *New.*

R.S.C. 1970, c. J-1

Supernumerary judges

(2) For each office of judge of the District Court, there shall be the additional office of supernumerary judge held by a judge of the court who has elected under the *Judges Act* (Canada) to hold office only as a supernumerary judge of the court. R.S.O. 1980, c. 101, s. 5 (1).

Rank and precedence

30. The judges of the District Court have rank and precedence as follows:

1. The Chief Judge of the District Court.

2. The Associate Chief Judge of the District Court.

3. The other judges of the District Court, according to seniority of appointment. R.S.O. 1980, c. 101, s. 6.

Annual meeting

31.—(1) A meeting of the judges of the District Court shall be held in Toronto at least once in every year, on a day fixed by the Chief Judge of the District Court, for the purpose of considering this Act, the Rules of Civil Procedure and the administration of justice generally. R.S.O. 1980, c. 101, s. 16 (8).

Recommendations

(2) The judges shall report their recommendations to the Attorney General. *New.*

JURISDICTION

Jurisdiction

32.—(1) The District Court has jurisdiction to hear and determine any action except,

(a) where the sum claimed or the value of the property that is the subject of the action exceeds $25,000, exclusive of interest and costs; or

(b) where another court is required by an Act to hear and determine the action.

Idem

(2) The District Court does not have jurisdiction to grant prerogative remedies. R.S.O. 1980, c. 100, s. 14 (1).

Dispute of monetary jurisdiction

33.—(1) A defendant who disputes the jurisdiction of the District Court on the ground that the monetary limit mentioned in clause 32 (1) (a) has been exceeded shall do so in the statement of defence.

Transfer or abandonment of excess by plaintiff

(2) Where a defendant disputes the monetary jurisdiction of the District Court in accordance with subsection (1), the plaintiff may, within fifteen days after the filing of the statement of defence,

(a) on requisition to the local registrar of the District Court, require the action to be transferred to the Supreme Court; or

(b) abandon the amount of the claim in excess of the monetary limit by serving and filing a notice abandoning the excess, in which case the plaintiff is not entitled to recover the excess in any other proceeding.

Transfer by defendant

(3) Where the plaintiff does not take one of the steps permitted by subsection (2), the defendant may, within thirty days after the filing of the statement of defence,

(a) where the action includes a claim for money in excess of the monetary limit mentioned in clause 32 (1) (a), on requisition to the local registrar of the District Court, require the action to be transferred to the Supreme Court; or

(b) in any other case, make a motion to a judge of the High Court for an order transferring the action to the Supreme Court on the ground that the action is beyond the monetary jurisdiction of the District Court.

Jurisdiction conclusive

(4) Where,

(a) the monetary jurisdiction of the court is not disputed under subsection (1);

(b) the plaintiff and the defendant fail to take the steps permitted by subsections (2) and (3); or

(c) a motion under clause (3) (b) is dismissed,

the District Court has the monetary jurisdiction to hear and determine the action. R.S.O. 1980, c. 100, s. 14 (2-5).

Continuation in Supreme Court

(5) An action that is transferred to the Supreme Court under this section shall be titled in the Supreme Court and shall be continued as if it had been commenced in the Supreme Court. R.S.O. 1980, c. 100, s. 16.

Counter-claims, etc.

(6) This section applies with necessary modifications to a counterclaim, crossclaim, third or subsequent party claim or a defence of set off, in which a claim is made in excess of the monetary limit mentioned in clause 32 (1) (a). R.S.O. 1980, c. 100, s. 15.

Transfer of all claims in main action

(7) Where an action is transferred to the Supreme Court under this section, any counterclaim, crossclaim or third or subsequent party claim in the action shall also be transferred unless a judge of the Supreme Court orders otherwise, and where a counterclaim, crossclaim or third or subsequent party claim is transferred to the Supreme Court under this section, the main action and any other counterclaim, crossclaim or third or subsequent party claim in the main action shall also be transferred unless a judge of the Supreme Court orders otherwise. *New.*

Transfer from Supreme Court to District Court

34.—(1) An action in the Supreme Court may be transferred to the District Court by the local registrar of the Supreme Court in the county or district where the action was

commenced, upon requisition with the consent of all parties filed before the trial commences.

Idem, by order

(2) On motion to a judge of the High Court made before the trial commences, an action in the Supreme Court may be transferred to the District Court where it appears probable that the amount of a judgment in the action will be, or the value of property that is the subject of the action is, within the monetary jurisdiction of the District Court.

Conduct of transferred proceeding

(3) Where an action is transferred to the District Court under this section,

(a) the court has the monetary jurisdiction to hear and determine the action; and

(b) the action shall be titled in the District Court and shall be continued as if it had been commenced in that court. *New.*

Powers of Court

35.—(1) With respect to any matter within its jurisdiction, the District Court has the same powers as the Supreme Court to conduct its proceedings, grant remedies and enforce its orders and other process. R.S.O. 1980, c. 100, ss. 20, 26.

Contempt of Court

(2) The District Court may punish by fine or imprisonment, or by both, a wilful contempt of or resistance to its process, rules or orders, but the fine shall not in any case exceed $10,000 nor shall the imprisonment exceed six months. R.S.O. 1980, c. 100, s. 27.

Appeal to Court of Appeal

36.—(1) An appeal from a final order of a judge of the District Court, except an order referred to in subsection (2), lies to the Court of Appeal. R.S.O. 1980, c. 100, ss. 31, 34.

Appeal to Divisional Court

(2) An appeal lies to the Divisional Court from a final order of a judge of the District Court,

(a) for a single payment of not more than $25,000, exclusive of costs;

(b) for periodic payments that amount to not more than $25,000, exclusive of costs, in the twelve months commencing on the date the first payment is due under the order;

(c) dismissing a claim for an amount that is not more than the amount set out in clause (a) or (b); or

(d) dismissing a claim for an amount that is more than the amount set out in clause (a) or (b) and in respect of which the judge indicates that if the claim had been allowed the amount awarded would have been not more than the amount set out in clause (a) or (b). *New.*

Appeal from interlocutory orders

(3) Subject to subsection (4), an appeal from an interlocutory order of a judge of the District Court lies to the High Court. R.S.O. 1980, c. 100, s. 40.

Idem

(4) No appeal lies from an interlocutory order of a judge of the District Court made on an appeal from an interlocutory order of the Provincial Court (Family Division).

Appeal from assessment of costs

(5) An appeal from a certificate of assessment of costs issued in a proceeding in the District Court, where the appeal is on an issue in respect of which an objection was served under the Rules of Civil Procedure, lies to the High Court. *New.*

OFFICERS

Local registrars

37.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a local registrar of the District Court for each county and district and additional local registrars for such counties and districts as are indicated in the appointment. R.S.O. 1980, c. 100, s. 4 (1).

Deputy local registrar

(2) With the approval of the Attorney General, every local registrar of the District Court may appoint in writing a deputy local registrar who may exercise and perform all the powers and duties of the local registrar. R.S.O. 1980, c. 223, s. 85.

PART III

UNIFIED FAMILY COURT

Unified Family Court

38. The Unified Family Court is continued as a court of record in and for the Judicial District of Hamilton-Wentworth. R.S.O. 1980, c. 515, s. 2.

Jurisdiction of judges

39.—(1) The Unified Family Court shall be presided over by a judge of the District Court who is a local judge of the High Court and who is authorized under subsection (2) to exercise the jurisdiction of a judge of the Provincial Court (Family Division). R.S.O. 1980, c. 515, s. 3 (1, 6).

Authority for family court matters

(2) The Lieutenant Governor in Council may authorize a judge of the District Court who is a local judge of the High

Court to exercise the jurisdiction of a judge of the Provincial Court (Family Division). R.S.O. 1980, c. 515, s. 3 (2, 6).

Jurisdiction of local judge of High Court

(3) All the jurisdiction of the Supreme Court or a judge thereof under the statutory provisions set out in the Schedule to this Part, other than by way of appeal, may be exercised by a local judge of the High Court who is a judge who may preside over the Unified Family Court. R.S.O. 1980, c. 515, s. 3 (3); 1982, c. 21, s. 1.

Exercise of existing jurisdiction

(4) A judge who may preside over the Unified Family Court shall exercise his or her jurisdiction as a local judge of the High Court, a judge of the District Court, or a judge of the Provincial Court (Family Division) in the matters in which the Supreme Court, the District Court, or the Provincial Court (Family Division) or a judge thereof has jurisdiction under the statutory provisions set out in the Schedule to this Part. R.S.O. 1980, c. 515, s. 3 (4, 6).

Proceedings in Unified Family Court

40.—(1) Proceedings taken in a court in the Judicial District of Hamilton-Wentworth under the statutory provisions set out in the Schedule to this Part, other than by way of appeal, shall be commenced and titled in the Unified Family Court and the jurisdiction of the court shall be exercised in the Unified Family Court. R.S.O. 1980, c. 515, s. 4 (1).

Idem

R.S.C. 1970, c. D-8; R.S.O. 1980, cc. 152, 68

Section

(2) A motion for interim relief under the *Divorce Act* (Canada), the *Family Law Reform Act* or the *Children's Law Reform Act* in a proceeding in the Supreme Court or District Court that is required or permitted by the Rules of Civil Procedure or an order of the court to be heard in the Judicial District of Hamilton-Wentworth, shall be heard in the Unified Family Court. *New.*

Parens patriae powers

(3) The court has and may exercise the same *parens patriae* powers as the Supreme Court in respect of any matter before it. R.S.O. 1980, c. 515, s. 4 (3).

No jury

(4) All proceedings commenced in or transferred to the Unified Family Court shall be heard and determined without a jury. R.S.O. 1980, c. 515, s. 7 (2).

Consent to jurisdiction

41. Where a proceeding is commenced in the Unified Family Court in a matter over which jurisdiction may be exercised in the Unified Family Court and is combined with a related matter in the jurisdiction of the judge but respecting which jurisdiction may not be exercised in the Unified Family Court, the court may, with leave of the judge and the consent of the parties, hear and determine the combined matters. R.S.O. 1980, c. 515, s. 5.

Orders of predecessor court R.S.O. 1980, c. 152

42.—(1) The Unified Family Court may hear and determine an application under the *Family Law Reform Act* to discharge, vary or suspend an order made by the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth. R.S.O. 1980, c. 515, s. 6 (1).

Enforcement

(2) The Unified Family Court may enforce orders made by the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth. R.S.O. 1980, c. 515, s. 23 (3).

Powers

43.—(1) In all proceedings in which jurisdiction may be exercised in the Unified Family Court, the court has the same powers as the Supreme Court to conduct its proceedings, grant remedies and enforce its orders and other process. R.S.O. 1980, c. 515, s. 8 (1).

Contempt

(2) The Unified Family Court may punish by fine or imprisonment, or by both, any wilful contempt of or resistance to its process, rules or orders, or to an order of the Supreme Court or the County Court of the Judicial District of Hamilton-Wentworth made before the lst day of July, 1977 in a matter that is in the jurisdiction of the Unified Family Court, but the fine shall not in any case exceed $10,000 nor shall the imprisonment exceed six months. R.S.O. 1980, c. 515, s. 12 (1); 1982, c. 21, s. 5.

Application of R.S.O. 1980, c. 103, s. 4 (3)

(3) Subsection 4 (3) of the *Creditors' Relief Act* applies to a garnishment issued by the Unified Family Court. 1982, c. 21, s. 3 (2).

Place where proceedings commenced

44.—(1) Subject to subsection (2), proceedings referred to in subsection 40 (1) may be commenced in the Unified Family Court where the applicant or the respondent resides in the Judicial District of Hamilton-Wentworth. R.S.O. 1980, c. 515, s. 9 (1); 1982, c. 21, s. 4 (1).

Idem, custody or access R.S.O. 1980, c. 68

(2) An application under Part III of the *Children's Law Reform Act* in respect of a child who ordinarily resides in the Judicial District of Hamilton-Wentworth may be commenced in the Unified Family Court. 1982, c. 21, s. 4 (2).

Transfer to other court

(3) A judge who may preside over the Unified Family Court may, upon motion, order that a proceeding commenced in the Unified Family Court be transferred to the appropriate court in a place where there is no Unified Family Court where, in the opinion of the judge, there is a preponderance of convenience for the matter to be dealt with by that court.

Transfer from other court

(4) A judge of a court having jurisdiction in a proceeding referred to in subsection 40 (1) in a county or district other

than the Judicial District of Hamilton-Wentworth may, upon motion, order that the proceeding be transferred to the Unified Family Court where, in the opinion of the judge, there is a preponderance of convenience for the matter to be dealt with by that court.

Directions

(5) A judge making an order under subsection (3) or (4) may give such directions for the transfer as are considered just. R.S.O. 1980, c. 515, s. 9 (2-4).

Status of orders

45. An order of a judge presiding over the Unified Family Court made in the exercise of his or her jurisdiction as a local judge of the High Court or a judge of the District Court is an order of the Supreme Court or the District Court, respectively, for all purposes. R.S.O. 1980, c. 515, s. 14.

Appeals

46.—(1) Subject to subsections (2) and (3), a provision for an appeal from an order made under the statutory provisions set out in the Schedule to this Part applies to the order when made in the exercise of the jurisdiction by a judge presiding over the Unified Family Court. R.S.O. 1980, c. 515, s. 15 (1).

Idem

(2) Where an order made by the Unified Family Court under a statutory provision set out in the Schedule to this Part is within the jurisdiction of the Supreme Court or the District Court outside the Judicial District of Hamilton-Wentworth, the order shall, for the purposes of an appeal, be deemed to have been made by a judge of the High Court. *New.*

Idem

(3) A provision for an appeal to the District Court or a judge thereof from an order that is made by the Unified Family Court under the statutory provisions set out in the Schedule to this Part shall be deemed to provide for an appeal to the High Court.

Idem

(4) Where no provision is made for an appeal from an order of a judge presiding over the Unified Family Court, an appeal lies,

(a) to the Court of Appeal from a final order, except an order referred to in clause (b);

(b) to the Divisional Court from a final order,

(i) for a single payment of not more than $25,000, exclusive of costs,

(ii) for periodic payments that amount to not more than $25,000, exclusive of costs, in the

twelve months commencing on the date the first payment is due under the order,

(iii) dismissing a claim for an amount that is not more than the amount set out in subclause (i) or (ii), or

(iv) dismissing a claim for an amount that is more than the amount set out in subclause (i) or (ii) and in respect of which the judge indicates that if the claim had been allowed the amount awarded would have been not more than the amount set out in subclause (i) or (ii); or

(c) to the High Court from an interlocutory order. R.S.O. 1980, c. 515, s. 15 (2, 3).

Criminal jurisdiction R.S.C. 1970, c. C-34

47.—(1) A judge presiding over the Unified Family Court has all the powers of a magistrate under the *Criminal Code* (Canada) for the purposes of proceedings under the *Criminal Code* (Canada) and the Unified Family Court,

(a) shall be deemed to be and shall sit as the Provincial Offences Court for the purpose of dealing with young persons as defined in the *Provincial Offences Act*; and

R.S.O. 1980, c. 400

S.C. 1980-81-82-83, c. 110

(b) is a youth court for the purposes of the *Young Offenders Act* (Canada). R.S.O. 1980, c. 515, s. 17; 1983, c. 80, s. 3; 1983, c. 86, s. 1.

Repeal of s. (1) (b)

(2) Clause (1) (b) is repealed on the 1st day of April, 1985. 1983, c. 86, s. 2.

Clerk

R.S.O. 1980, c. 418

48.—(1) A clerk of the Unified Family Court shall be appointed for the court under the *Public Service Act*. R.S.O. 1980, c. 515, s. 17.

Idem

(2) The clerk of the Unified Family Court is the clerk of that court sitting as the Provincial Offences Court. 1983, c. 80, s. 2 (4).

Conciliation service

49. A conciliation service may be established, maintained and operated as part of the Unified Family Court. R.S.O. 1980, c. 515, s. 18.

Regulations

50. The Lieutenant Governor in Council may make regulations,

(a) specifying the returns to be made by the Unified Family Court;

(b) prescribing the functions of and providing for a conciliation service under this Part;

(c) prescribing the duties of the officers and employees of the Unified Family Court or of any class of such officers or employees;

(d) providing for a system of statistical records relating to the Unified Family Court. R.S.O. 1980, c. 515, s. 22.

Rules

51.—(1) The Lieutenant Governor in Council may make rules for the Unified Family Court in relation to the practice and procedure of the court and may make rules for the court, even though they alter or conform to the substantive law, in relation to,

(a) conduct of proceedings in the court;

(b) joinder of claims and parties, and representation of parties;

(c) commencement of proceedings and service of process in or outside Ontario;

(d) discovery and other forms of disclosure before hearing, including the scope thereof and the admissibility and use of such discovery and disclosure in a proceeding;

(e) examination of witnesses in or out of court;

(f) duties of clerks and other officers;

(g) references of proceedings or issues in a proceeding and the powers of a person conducting a reference;

(h) costs of proceedings;

(i) enforcement of orders and process;

(j) payment into and out of court;

(k) any matter that is referred to in an Act as provided for by rules of court.

Idem

(2) Nothing in subsection (1) authorizes the making of rules that conflict with an Act, but rules may be made under subsection (1) supplementing the provisions of an Act in respect of practice and procedure. R.S.O. 1980, c. 515, s. 21.

Idem

(3) The Rules of Civil Procedure and the rules of the Provincial Court (Family Division) do not apply to proceedings in the Unified Family Court. *New.*

SCHEDULE

Jurisdiction under the following statutory provisions: Statutes	Provisions
Annulment of Marriages Act (Ontario) (Canada)	All
Child Welfare Act	Parts II, III and IV
Children's Law Reform Act	All, Except Sections 60 and 61
Children's Residential Services Act	Subs. 18 (1) except Cls. (a) and (b)
Divorce Act (Canada)	All
Education Act	Sections 29 and 30
Family Law Reform Act	All, except Part V
Marriage Act	Sections 6 and 9
Minors' Protection Act	Section 2
Reciprocal Enforcement of Maintenance Orders Act, 1982	All
Training Schools Act	Section 8
Young Offenders Act (Canada)	All

R.S.O. 1980, c. 515, Sched.; 1982, c. 20, s. 5.

PART IV

PROVINCIAL COURTS

JUDGES

Appointment of judges

52.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such provincial judges as are considered necessary. R.S.O. 1980, c. 398, s. 2.

Qualifications

(2) No person shall be appointed as a provincial judge unless he or she has been a member of the bar of one of the provinces of Canada for at least ten years. *New.*

53.—(1) A provincial judge shall devote his or her whole time to the performance of his or her duties as a judge, except as authorized by the Lieutenant Governor in Council. Other employment

(2) Notwithstanding subsection (1), a provincial judge who, before the coming into force of this Part, had the consent of the Attorney General to act as an arbitrator or conciliator may continue to so act. R.S.O. 1980, c. 398, s. 12. Idem

54.—(1) Every provincial judge shall retire upon attaining the age of sixty-five years. Retirement

(2) Notwithstanding subsection (1), a provincial judge appointed as a full-time magistrate, judge of a juvenile and family court or master after the lst day of July, 1941 and before the 2nd day of December, 1968 shall retire upon attaining the age of seventy years. Idem

(3) Notwithstanding subsection (1), a provincial judge appointed as a full-time magistrate on or before the lst day of July, 1941 shall retire upon attaining the age of seventy-five years. R.S.O. 1980, c. 398, s. 5 (1-3). Idem

(4) A judge who has attained the age for retirement under subsection (1) may, subject to the annual approval of the Chief Judge, continue in office as a full-time or part-time judge until he or she attains the age of seventy years, and a judge who has attained the age of seventy years may, subject to the annual approval of the Judicial Council, continue in office as a full-time or part-time judge until he or she has attained the age of seventy-five years. Continuation of judges in office

(5) An associate chief judge or senior judge who is in office upon attaining the age for retirement under subsection (1) may, subject to the annual approval of the Chief Judge, continue in that office until he or she has attained the age of seventy years and an associate chief judge or senior judge who has attained the age of seventy years may, subject to the annual approval of the Judicial Council, continue in that office until he or she has attained the age of seventy-five years. Continuation of associate chief judge and senior judges in office

(6) A chief judge who is in office upon attaining the age for retirement under subsection (1) or (2) may, subject to the annual approval of the Judicial Council, continue in that office until he or she has attained the age of seventy-five years. R.S.O. 1980, c. 398, s. 5 (4, 5, 6); 1983, c. 18, s. 1. Continuation of chief judge in office

55. A provincial judge may at any time resign from his or her office in writing, signed by the judge and delivered to the Lieutenant Governor. R.S.O. 1980, c. 398, s. 6. Resignation

Removal for cause

56.—(1) A provincial judge may be removed from office before attaining retirement age only if,

(a) a complaint regarding the judge has been made to the Judicial Council; and

(b) the removal is recommended by an inquiry held under section 61 on the ground that the judge has become incapacitated or disabled from the due execution of his or her office by reason of,

(i) infirmity,

(ii) conduct that is incompatible with the execution of his or her office, or

(iii) having failed to perform the duties of his or her office. R.S.O. 1980, c. 398, s. 4 (1).

Order for removal

(2) An order removing a provincial judge from office under this section may be made by the Lieutenant Governor on the address of the Legislative Assembly. R.S.O. 1980, c. 398, s. 4 (3).

Judicial Council

57.—(1) The Judicial Council for Provincial Judges is continued and shall be composed of,

(a) the Chief Justice of Ontario, who shall preside over the Judicial Council;

(b) the Chief Justice of the High Court;

(c) the Chief Judge of the District Court;

(d) the Chief Judge of the Provincial Court (Criminal Division);

(e) the Chief Judge of the Provincial Court (Family Division);

(f) the Chief Judge of the Provincial Court (Civil Division);

(g) the Treasurer of The Law Society of Upper Canada; and

(h) not more than two other persons appointed by the Lieutenant Governor in Council. R.S.O. 1980, c. 398, s. 7 (1).

Senior Master

(2) Where the Judicial Council is considering any matter relating to a master, the Senior Master is entitled to be present and participate as a member of the Council. *New.*

Quorum

(3) A majority of members of the Judicial Council constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Judicial Council.

Staff

R.S.O. 1980, c. 418

(4) Such officers and employees of the Judicial Council as are considered necessary may be appointed under the *Public Service Act.* R.S.O. 1980, c. 398, s. 7 (2, 3).

Expert assistance

(5) The Judicial Council may engage persons, including counsel, to assist it in its investigations. *New.*

Functions

58.—(1) The functions of the Judicial Council are,

(a) to consider all proposed appointments of provincial judges and make a report thereon to the Attorney General;

(b) to receive and investigate complaints against provincial judges. R.S.O. 1980, c. 398, s. 8 (1).

Liability for damages

(2) No action or other proceeding for damages shall be instituted against the Judicial Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his or her duty. R.S.O. 1980, c. 398, s. 8 (6).

Investigation of complaints

59.—(1) Where the Judicial Council receives a complaint against a provincial judge, it shall take such action to investigate the complaint as it considers advisable. R.S.O. 1980, c. 398, s. 8 (1) (c).

Referral to Chief Judges

(2) The Judicial Council may transmit such complaints as it considers appropriate to the Chief Judge of the Provincial Court (Criminal Division), the Chief Judge of the Provincial Court (Family Division), the Chief Judge of the Provincial Court (Civil Division) or the Senior Master, as it considers appropriate. R.S.O. 1980, c. 398, s. 8 (2).

Proceedings not public

(3) The proceedings of the Judicial Council shall not be public, but it may inform the Attorney General respecting matters that it has investigated and the Attorney General may make public the fact that an investigation has been undertaken. R.S.O. 1980, c. 398, s. 8 (4).

Prohibiting publication

(4) The Judicial Council may order that information or documents relating to its proceedings not be published or disclosed except as required by law. *New.*

Powers

R.S.O. 1980, c. 411

(5) The Judicial Council has all the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the investigation as if it were an inquiry under that Act. R.S.O. 1980, c. 398, s. 8 (5).

Notice of disposition

(6) Where the Judicial Council has dealt with a complaint regarding a provincial judge, it shall inform,

(a) the person who made the complaint; and

(b) where the complaint was brought to the attention of the judge, the judge,

of its disposition of the complaint. *New.*

Report and recommendations

(7) The Judicial Council may report its opinion regarding the complaint to the Attorney General and may recommend,

(a) that an inquiry be held under section 60;

(b) that the judge be compensated for all or part of the costs incurred by the judge relating to the investigation. R.S.O. 1980, c. 398, s. 8 (3).

Copy to judge

(8) A copy of a report made under subsection (7) shall be given to the judge.

Right to be heard

(9) The Judicial Council shall not make a report under subsection (7) unless the judge was notified of the investigation and given an opportunity to be heard and to produce evidence on his or her behalf.

Publication of report

(10) Where the Judicial Council makes a report to the Attorney General under subsection (7), the Attorney General may make all or part of the report public, if he or she is of the opinion that it is in the public interest to do so. *New.*

Inquiry

60.—(1) The Lieutenant Governor in Council may appoint a judge of the Supreme Court to inquire into the question whether a provincial judge should be removed from office.

Powers

(2) The *Public Inquiries Act* applies to an inquiry under subsection (1). R.S.O. 1980, c. 398, s. 4 (2).

Report

(3) The report of the inquiry may recommend,

(a) that the judge be removed from office;

(b) that the judge be compensated for all or part of the costs incurred by the judge relating to the inquiry. *New.*

Tabling of report

(4) The report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days of the commencement of the next ensuing session. R.S.O. 1980, c. 398, s. 4 (3).

Jurisdiction of judges

61.—(1) Every provincial judge has jurisdiction throughout Ontario and,

(a) shall exercise all the powers and perform all the duties conferred or imposed on a provincial judge by or under any Act of the Legislature or of the Parliament of Canada;

(b) subject to subsection (2), may exercise all the powers and perform all the duties conferred or imposed on a magistrate, provincial magistrate or one or more justices of the peace under any Act of the Parliament of Canada. R.S.O. 1980, c. 398, s. 9 (1) (a, c).

Idem

R.S.C. 1970, c. C-34

(2) A provincial judge shall not exercise the jurisdiction conferred on a magistrate under Part XVI of the *Criminal Code* (Canada) unless,

(a) he or she has been a member of the bar of one of the provinces of Canada; or

(b) he or she has acted as a provincial judge for a period of five years,

and the judge is so designated by the Lieutenant Governor in Council. R.S.O. 1980, c. 398, s. 9 (3).

Idem

(3) Every provincial judge is a justice of the peace and commissioner for taking affidavits. R.S.O. 1980, c. 398, s. 9 (1) (d).

Where procedures not provided

62. Jurisdiction conferred on a provincial judge, justice of the peace or provincial court shall, in the absence of express provision for procedures therefor in any Act, regulation or rule, be exercised in any manner consistent with the due administration of justice. R.S.O. 1980, c. 398, s. 9 (2).

Chief Judges

63.—(1) The Lieutenant Governor in Council may appoint a provincial judge as Chief Judge of the Provincial Court (Criminal Division), a provincial judge as Chief Judge of the Provincial Court (Family Division) and a provincial judge as Chief Judge of the Provincial Court (Civil Division).

Chief Judge of Provincial Offences Court

(2) The Chief Judge of the Provincial Court (Criminal Division) is Chief Judge of the Provincial Offences Court. R.S.O. 1980, c. 398, s. 10 (1, 2).

Idem

(3) The Chief Judge of the Provincial Court (Family Division) is the Chief Judge of the Provincial Court (Family Division) sitting as the Provincial Offences Court.

Idem

(4) Subsection (2) does not apply to the Unified Family Court sitting as the Provincial Offences Court. 1983, c. 80, s. 2 (1).

Duties of Chief Judge

(5) Each Chief Judge has general supervision and direction over the sittings of his or her court and the assignment of the judicial duties of the court except that in counties and districts where the Provincial Court (Civil Division) is presided over by a judge of the District Court, the Chief Judge of the District Court and, subject to the authority of the Chief Judge, the senior judge of the District Court in that county or district has general supervision and direction over the sittings of the court and the assignment of the judicial duties of the court.

Associate Chief Judge

(6) The Lieutenant Governor in Council may appoint a provincial judge as Associate Chief Judge of the Provincial Court (Criminal Division) and a provincial judge as Associate Chief Judge of the Provincial Court (Family Division). R.S.O. 1980, c. 398, s. 10 (3, 4).

Absence of Chief Judge

(7) Where the Chief Judge is absent from Ontario or is for any reason unable to act, all the powers and duties of the Chief Judge shall be exercised and performed by the Associate Chief Judge or, where both are absent or unable to act, by a judge designated by the Chief Judge. *New.*

Senior judges

64.—(1) The Lieutenant Governor in Council may designate a provincial judge to be a senior judge of the Provincial Court (Criminal Division), Provincial Court (Family Division) or Provincial Court (Civil Division), for such area as is named in the designation. R.S.O. 1980, c. 398, s. 11.

Duties

(2) A senior judge shall, subject to the authority of the chief judge, direct and supervise the sittings and the assignment of the judicial duties of the court in the area. *New.*

Election to revert to office of judge

65. A chief judge, associate chief judge or senior judge who has,

(a) continued in one or more of those offices for at least five years; or

(b) continued in office after attaining the age for retirement,

may elect by notice to the Attorney General to cease to perform the duties of that office and to assume the office of a provincial judge only. *New.*

PROVINCIAL COURT (CRIMINAL DIVISION)

Provincial Court (Criminal Division)

66.—(1) The provincial courts (criminal division) for the counties and districts are amalgamated and continued as a single court of record named the Provincial Court (Criminal Division).

Judge to preside

(2) The Provincial Court (Criminal Division) shall be presided over by a provincial judge. R.S.O. 1980, c. 398, s. 14.

Exercise of criminal jurisdiction

67. A provincial judge shall exercise the powers and perform the duties vested in him or her as a magistrate, provincial magistrate or one or more justices of the peace under section 62 sitting in the Provincial Court (Criminal Division). R.S.O. 1980, c. 398, s. 15.

PROVINCIAL OFFENCES COURT

Provincial Offences Court

68.—(1) The provincial offences courts for the counties and districts are amalgamated and continued as a single court of record named the Provincial Offences Court.

Judge or justice of the peace to preside

(2) The Provincial Offences Court shall be presided over by a provincial judge or justice of the peace. R.S.O. 1980, c. 398, s. 18 (1).

Jurisdiction R.S.O. 1980, c. 400

69. The Provincial Offences Court shall perform any function assigned to it by or under the *Provincial Offences Act* or any other Act. R.S.O. 1980, c. 398, s. 18 (2).

Sittings: young persons

70.—(1) A proceeding in the Provincial Offences Court against a young person as defined in the *Provincial Offences Act* shall be conducted in the Provincial Court (Family Division) or, in the Judicial District of Hamilton-Wentworth, in the Unified Family Court, sitting as the Provincial Offences Court. 1983, c. 80, s. 2 (2).

Joint sittings

(2) Where a proceeding in which the Provincial Offences Court has jurisdiction is conducted during the course of a sitting of the Provincial Court (Criminal Division) or Provincial Court (Family Division), the proceeding shall be deemed to be conducted in the Provincial Offences Court. R.S.O. 1980, c. 398, s. 19 (2).

Contempt

71.—(1) Except as otherwise provided by an Act, every person who commits contempt in the face of the Provincial Offences Court is on conviction liable to a fine of not more than $1,000 or to imprisonment for a term of not more than thirty days, or to both.

Statement to offender

(2) Before proceedings are taken for contempt under subsection (1), the court shall inform the offender of the conduct complained of and the nature of the contempt and inform him or her of the right to show cause why he or she should not be punished.

Show cause

(3) A punishment for contempt in the face of the court shall not be imposed without giving the offender an opportunity to show cause why he or she should not be punished.

Adjournment for adjudication

(4) Except where, in the opinion of the court, it is necessary to deal with the contempt immediately for the preservation of order and control in the courtroom, the court shall adjourn the contempt proceeding to another day.

Adjudication by judge

(5) Where a contempt proceeding is adjourned to another day under subsection (4), the contempt proceeding shall be heard and determined by the court presided over by a provincial judge.

Arrest for immediate adjudication

(6) Where the court proceeds to deal with a contempt immediately and without adjournment under subsection (4), the court may order the offender arrested and detained in the courtroom for the purpose of the hearing and determination.

Barring agent in contempt

(7) Where the offender is appearing before the court as an agent who is not a barrister and solicitor entitled to practise in Ontario, the court may order that he or she be barred from acting as agent in the proceeding in addition to any other punishment to which he or she is liable.

Appeals

(8) An order of punishment for contempt under this section is appealable in the same manner as if it were a conviction in proceedings commenced by certificate under Part I of the *Provincial Offences Act*.

R.S.O. 1980, c. 400

(9) The *Provincial Offences Act* applies for the purpose of enforcing a punishment by way of a fine or imprisonment under this section. R.S.O. 1980, c. 398, s. 20. Enforcement R.S.O. 1980, c. 400

72. Any person who knowingly disturbs or interferes with the proceedings of the Provincial Offences Court, without reasonable justification, while outside the courtroom is guilty of an offence and on conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1980, c. 398, s. 21. Penalty for disturbance outside courtroom

73.—(1) There shall be a Rules Committee of the Provincial Offences Court composed of such members as are appointed by the Lieutenant Governor in Council who shall designate one of the members to preside over the Committee. Rules Committee

(2) A majority of the members of the Rules Committee constitutes a quorum. *New.* Quorum

(3) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Provincial Offences Court may make rules, Rules

(a) regulating any matters relating to the practice and procedure of the Provincial Offences Court;

(b) prescribing forms respecting proceedings in the court;

(c) regulating the duties of the clerks and employees of the court;

(d) prescribing and regulating the procedures under any Act that confers jurisdiction on the Provincial Offences Court or a judge or justice of the peace sitting therein;

(e) prescribing any matter that is referred to in an Act as provided for by the rules of the Provincial Offences Court. R.S.O. 1980, c. 398, s. 22.

PROVINCIAL COURT (FAMILY DIVISION)

74.—(1) The provincial courts (family division) for the counties and districts are amalgamated and continued as a single court of record named the Provincial Court (Family Division). Provincial Court (Family Division)

Judge to preside

(2) The Provincial Court (Family Division) shall be presided over by a provincial judge. R.S.O. 1980, c. 398, s. 23 (1).

Jurisdiction

75.—(1) The Provincial Court (Family Division),

(a) shall be deemed to be and shall sit as the Provincial Offences Court for the purpose of dealing with young persons as defined in the *Provincial Offences Act*; R.S.O. 1980, c. 400

(b) is a youth court for the purposes of the *Young Offenders Act* (Canada); and S.C. 1980-81-82-83, c. 110

(c) shall perform any function assigned to it by or under the *Family Law Reform Act,* the *Children's Law Reform Act,* the *Child Welfare Act* or any other Act. R.S.O. 1980, c. 398, s. 23 (2); 1983, c. 80, s. 2 (3);1983, c. 85, s. 1. R.S.O. 1980, cc. 152, 68, 66

Repeal of s. (1) (b)

(2) Clause (1) (b) is repealed on the 1st day of April, 1985. 1983, c. 85, s. 2.

Rules Committee

76.—(1) The rules committee of the provincial courts (family division) is continued as the Rules Committee of the Provincial Court (Family Division) and shall be composed of such members as are appointed by the Lieutenant Governor in Council who shall designate one of the members to preside over the committee.

Quorum

(2) A majority of the members of the Rules Committee constitutes a quorum.

Rules

(3) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Provincial Court (Family Division) may make rules in relation to the practice and procedure of the court and may make rules for the court, even though they alter or conform to the substantive law, in relation to,

(a) conduct of proceedings in the court;

(b) joinder of claims and parties and representation of parties;

(c) commencement of proceedings and service of process in or outside Ontario;

(d) discovery and other forms of disclosure before hearing, including the scope thereof and the admissibil-

ity and use of such discovery and disclosure in a proceeding;

(e) examination of witnesses in or out of court;

(f) duties of clerks and other officers;

(g) costs of proceedings;

(h) enforcement of orders and process;

(i) payment into and out of court;

(j) any matter that is referred to in an Act as provided for by rules of court.

Idem

(4) Nothing in subsection (3) authorizes the making of rules that conflict with an Act, but rules may be made under subsection (3) supplementing the provisions of an Act in respect of practice and procedure. R.S.O. 1980, c. 398, s. 32.

PROVINCIAL COURT (CIVIL DIVISION)

Provincial Court (Civil Division)

77.—(1) The small claims courts and the Provincial Court (Civil Division) are amalgamated and continued as a single court of record named the Provincial Court (Civil Division) and may also be known as the Small Claims Court.

Judges to preside

(2) The Provincial Court (Civil Division) shall be presided over by,

(a) a provincial judge; or

(b) a judge of the District Court.

Deputy judges

(3) A judge of the District Court or the Chief Judge of the Provincial Court (Civil Division) may, with the approval of the Attorney General, appoint a barrister and solicitor to act as a deputy judge of the Provincial Court (Civil Division), and the person so appointed may preside over the court in actions for not more than $1,000. R.S.O. 1980, c. 476, ss. 3, 6, 14, 15.

Jurisdiction

78.—(1) The Provincial Court (Civil Division),

(a) has jurisdiction in any action for the payment of money where the amount claimed does not exceed $1,000 exclusive of interest and costs;

(b) has jurisdiction in any action for the recovery of possession of personal property where the value of the property does not exceed $1,000; and

(c) shall perform any function assigned to it by or under an Act. R.S.O. 1980, c. 476, s. 55.

Idem

(2) In the Judicial District of York and in such other areas as are designated under clause 87 (f), the maximum claim or value of $1,000 set out in subsection (1) shall be $3,000 in each instance and not as set out therein. R.S.O. 1980, c. 397, s. 6 (1).

Summary hearings

(3) The Provincial Court (Civil Division) shall hear and determine in a summary way all questions of law and fact and may make such order as is considered just and agreeable to good conscience. R.S.O. 1980, c. 476, s. 57.

Representation

79. A party may be represented in a proceeding in the Provincial Court (Civil Division) by counsel or an agent but the court may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent on behalf of a party if it finds that such person is not competent properly to represent the party or does not understand and comply at the hearing with the duties and responsibilities of an advocate. R.S.O. 1980, c. 476, s. 100.

Evidence

80.—(1) Subject to subsections (2) and (3), the Provincial Court (Civil Division) may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in any other court,

(a) any oral testimony; and

(b) any document or other thing,

relevant to the subject-matter of the proceeding and may act on such evidence, but the court may exclude anything unduly repetitious.

Idem

(2) Nothing is admissible in evidence at a hearing,

(a) that would be inadmissible by reason of any privilege under the law of evidence; or

(b) that is inadmissible by any Act.

Conflicts

(3) Nothing in subsection (1) overrides the provisions of any Act expressly limiting the extent to or purposes for which any

oral testimony, documents or things may be admitted or used in evidence in any proceedings.

Copies

(4) Where the presiding judge is satisfied as to its authenticity, a copy of a document or any other thing may be admitted as evidence at a hearing. R.S.O. 1980, c. 476. s. 98.

Instalment orders

81. The Provincial Court (Civil Division) may order the times and the proportions in which money payable under an order of the court shall be paid. R.S.O. 1980, c. 476, s. 102 (1).

Enforcement of orders

82. Orders of the Provincial Court (Civil Division) shall be directed to a bailiff appointed under subsection 86 (4) for enforcement, unless otherwise provided by the rules of the Provincial Court (Civil Division). *New.*

Appeals

83. An appeal lies to the Divisional Court from a final order of the Provincial Court (Civil Division) in an action,

(a) for the payment of money in excess of $500, excluding costs; or

(b) for the recovery of possession of personal property exceeding $500 in value. R.S.O. 1980, c. 476, s. 108.

Transfer from Supreme or District Court

84.—(1) An action in the Supreme Court or the District Court in which,

(a) the only claim is for the payment of money or the recovery of possession of personal property; and

(b) the claim is within the jurisdiction of the Provincial Court (Civil Division),

may be transferred to the Provincial Court (Civil Division) by the local registrar of the Supreme Court or District Court in the county or district where the action was commenced, upon requisition with the consent of all parties filed before the trial commences.

Idem

(2) An action transferred to the Provincial Court (Civil Division) under subsection (1) shall be titled and continued as if it had been commenced in that court. R.S.O. 1980, c. 397, s. 7 (2); 1982, c. 58, s. 5 (2).

Rules Committee

85.—(1) There shall be a Rules Committee of the Provincial Court (Civil Division) composed of such members as are

appointed by the Lieutenant Governor in Council who shall designate one of the members to preside over the committee.

Quorum

(2) A majority of the members of the Rules Committee constitutes a quorum.

Rules

(3) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Provincial Court (Civil Division) may make rules in relation to the practice and procedure of the court and may make rules for the court, even though they alter or conform to the substantive law, in relation to,

(a) conduct of proceedings in the court;

(b) joinder of claims and parties, settlement of claims by or against persons under disability, whether or not a proceeding has been commenced in respect of the claim, and representation of parties;

(c) commencement of proceedings and service of process in or outside Ontario;

(d) disposition of proceedings without a hearing and the effect thereof;

(e) pleadings;

(f) discovery and other forms of disclosure before hearing, including the scope thereof and the admissibility and use of such discovery and disclosure in a proceeding;

(g) examination of witnesses in or out of court;

(h) duties of clerks and other officers;

(i) motions;

(j) preservation of rights of parties pending the outcome of litigation, including sale, recovery of possession or preservation of property;

(k) preparation for trial and offers to settle and their legal consequences;

(l) the mode and conduct of trials;

(m) costs of proceedings;

(n) enforcement of orders and process;

(o) payment into and out of court;

(p) any matter that is referred to in an Act as provided for by rules of court.

Idem

(4) Nothing in subsection (3) authorizes the making of rules that conflict with an Act, but rules may be made under subsection (3) supplementing the provisions of an Act in respect of practice and procedure. *New.*

OFFICERS

Clerks

86.—(1) There shall be such clerks for the Provincial Court (Criminal Division) and the Provincial Court (Family Division) as are considered necessary, appointed under the *Public Service Act.*

R.S.O. 1980, c. 418

Idem

(2) Each clerk of the Provincial Court (Criminal Division) is a clerk of the Provincial Offences Court. R.S.O. 1980, c. 398, s. 33.

Idem

(3) Each clerk of the Provincial Court (Family Division) is the clerk of that court sitting as the Provincial Offences Court. 1983, c. 80, s. 2 (4).

Clerk and bailiff of Provincial Court (Civil Division)

(4) There shall be a clerk and one or more bailiffs for each division of the Provincial Court (Civil Division) who shall be appointed by the Lieutenant Governor in Council.

Referee

(5) The Lieutenant Governor in Council may appoint a referee for a division of the Provincial Court (Civil Division). R.S.O. 1980, c. 476, s. 20; 1983, c. 22, s. 1.

REGULATIONS

Regulations

87.—(1) The Lieutenant Governor in Council may make regulations,

(a) specifying the returns to be made by provincial courts;

(b) fixing the remuneration of provincial judges;

(c) providing for the benefits to which provincial judges are entitled, including,

(i) leave of absence and vacations,

(ii) sick leave credits and payments in respect of such credits,

(iii) pension benefits for provincial judges and their surviving spouses and children,

and for the transfer or other disposition of benefits in respect thereof to which persons appointed as provincial judges were entitled under the *Public Service Act* or the *Public Service Superannuation Act* at the time of their appointment;

R.S.O. 1980, cc. 418, 419

(d) prescribing the duties of the clerks and employees of provincial courts or of any class of such employees;

(e) prescribing territorial divisions for the Provincial Court (Civil Division) and the place within each division where the court office shall be located;

(f) designating areas in which the maximum claim or value of $1,000 set out in subsection 78 (1) shall be $3,000 in each instance and not as set out therein;

(g) providing for the retention of fees by clerks, bailiffs and referees of the Provincial Court (Civil Division) who are not civil servants under the *Public Service Act* and designating areas where clerks, bailiffs and referees of the Provincial Court (Civil Division) may be appointed to a position as a civil servant under that Act;

(h) providing for a system of statistical records relating to provincial courts. R.S.O. 1980, c. 398, s. 34 (1); R.S.O. 1980, c. 397, s. 9; 1982, c. 58, s. 6 (1) (b).

Contributions

(2) Regulations made under clause (1) (c) may require judges to contribute from their salaries part of the cost of benefits and may fix the amount of the contributions.

Application of R.S.O. 1980, c. 419

(3) A regulation made under clause (1) (c) may modify or exclude the application of the *Public Service Superannuation Act*. 1983, c. 78, s. 2 (1).

Application of regulations

(4) Any regulation made under subsection (1) may be general or particular in its application. R.S.O. 1980, c. 398, s. 34 (2).

Ontario Provincial Courts Committee

88.—(1) There shall be a committee to be known as the Ontario Provincial Courts Committee, composed of three members, of whom,

(a) one shall be appointed jointly by the Provincial Judges Association (Criminal Division), the Ontario Family Court Judges Association and the Provincial Court Judges Association of Ontario (Civil Division);

(b) one shall be appointed by the Lieutenant Governor in Council; and

(c) one, to be the chairman, shall be appointed jointly by the bodies referred to in clauses (a) and (b).

Functions

(2) The function of the Ontario Provincial Courts Committee is to inquire into and make recommendations to the Lieutenant Governor in Council respecting any matter relating to the remuneration, allowances and benefits of provincial judges, including the matters referred to in clauses 87 (b) and (c).

Annual report

(3) The Ontario Provincial Courts Committee shall make an annual report of its activities to the Lieutenant Governor in Council.

Tabling of recommendations

(4) Recommendations of the Committee and its annual report under subsections (2) and (3) shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days of the commencement of the next ensuing session. 1983, c. 78, s. 2 (2).

PART V

RULES OF CIVIL PROCEDURE

Rules Committee

89.—(1) The Rules Committee continued under the *Judicature Act,* being chapter 223 of the Revised Statutes of Ontario, 1980, is continued as the Rules Committee of the Supreme and District Courts and shall be composed of,

(a) the Chief Justice of Ontario, the Chief Justice of the High Court, the Associate Chief Justice of Ontario and the Associate Chief Justice of the High Court;

(b) five judges of the Supreme Court, who shall be appointed by the Chief Justice of Ontario;

(c) the Chief Judge and Associate Chief Judge of the District Court;

(d) four judges of the District Court, who shall be appointed by the Chief Judge of the District Court;

(e) the Attorney General or such law officer of the Crown as the Attorney General may from time to time appoint;

(f) the Senior Master;

(g) the Registrar of the Supreme Court;

(h) a sheriff or a local registrar of the Supreme or District Court, who shall be appointed by the Attorney General;

(i) five barristers or solicitors, who shall be appointed by the Benchers of The Law Society of Upper Canada in convocation; and

(j) five other barristers and solicitors, who shall be appointed by the Chief Justice of Ontario.

Idem

(2) The Chief Justice of Ontario shall preside over the Rules Committee but, where the Chief Justice of Ontario is absent or so requests, the Chief Justice of the High Court shall preside.

Idem

(3) The Chief Justice of Ontario and the Chief Justice of the High Court may jointly appoint either the Associate Chief Justice of Ontario or the Associate Chief Justice of the High Court to preside over the Rules Committee at such times as are set out in the appointment.

Tenure of office

(4) Each of the members of the Rules Committee appointed under clause (1) (b), (d), (h), (i) or (j) shall hold office for a period of three years and is eligible for reappointment.

Vacancies

(5) Where a vacancy occurs among the members appointed under clause (1) (b), (d), (h), (i) or (j), a new member similarly qualified may be appointed for the remainder of the unexpired term. R.S.O. 1980, c. 223, s. 116 (1-6).

Quorum

(6) A majority of the members of the Rules Committee constitutes a quorum. R.S.O. 1980, c. 223, s. 116 (7).

Rules of Civil Procedure

90.—(1) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Supreme and District Courts may make rules for the Supreme Court and the District Court in relation to the practice and procedure of the courts and may make rules for such courts, even though they alter or conform to the substantive law, in relation to,

(a) conduct of proceedings in the courts;

(b) joinder of claims and parties, settlement of claims by or against persons under disability, whether or not a proceeding has been commenced in respect of the claim, the binding effect of orders and representation of parties;

(c) commencement of proceedings, representation of parties by solicitors and service of process in or outside Ontario;

(d) disposition of proceedings without a hearing and the effect thereof;

(e) pleadings;

(f) discovery and other forms of disclosure before hearing, including the scope thereof and the admissibility and use of such discovery and disclosure in a proceeding;

(g) examination of witnesses in or out of court;

(h) jurisdiction of local judges, including the conferral on local judges of any jurisdiction of the Supreme Court or a judge thereof, including jurisdiction under an Act, but not including the trial of actions;

(i) jurisdiction of masters, including the conferral on masters of any jurisdiction of the Supreme Court, including jurisdiction under an Act, but not including the trial of actions or jurisdiction conferred by an Act on a judge;

(j) jurisdiction and duties of officers and hours of business for court offices;

(k) motions and applications, including the hearing of motions in the absence of the public and prohibiting a party from making motions without leave;

(l) preservation of rights of parties pending the outcome of litigation, including sale, recovery of possession or preservation of property;

(m) interpleader;

(n) preparation for trial and offers to settle and their legal consequences;

(o) the mode and conduct of trials;

(p) the appointment by the court of independent experts, their remuneration and the admissibility and use of their reports;

(q) the discount rate to be used in determining the amount of an award in respect of future pecuniary damages;

(r) references of proceedings or issues in a proceeding and the powers of a person conducting a reference;

(s) costs of proceedings, including security for costs and a solicitor's liability for or disentitlement to costs;

(t) enforcement of orders and process or obligations under the rules;

(u) the time for and procedure on appeals and stays pending appeal;

(v) payment into and out of court;

(w) any matter that is referred to in an Act as provided for by rules of court.

Idem

(2) Nothing in subsection (1) authorizes the making of rules that conflict with an Act, but rules may be made under subsection (1) supplementing the provisions of an Act in respect of practice and procedure. R.S.O. 1980, c. 223, s. 116 (10, 11).

PART VI

COURTS ADMINISTRATION

Attorney General's administrative responsibility

91. The Attorney General shall superintend all matters connected with the administration of the courts, other than matters that are assigned by law to the judiciary. *New.*

Ontario Courts Advisory Council

92.—(1) There shall be an advisory council to be known as the Ontario Courts Advisory Council composed of,

(a) the Chief Justice of Ontario who shall preside, the Chief Justice of the High Court, the Associate Chief Justice of Ontario and the Associate Chief Justice of the High Court;

(b) the Chief Judge of the District Court, the Associate Chief Judge of the District Court and the Senior Judge of the District Court for the Judicial District of York;

(c) the Chief Judge of the Provincial Court (Criminal Division) and the Associate Chief Judge of the Provincial Court (Criminal Division);

(d) the Chief Judge of the Provincial Court (Family Division) and the Associate Chief Judge of the Provincial Court (Family Division); and

(e) the Chief Judge of the Provincial Court (Civil Division).

Functions

(2) The function of the Ontario Courts Advisory Council is to consider any matter relating to the administration of the courts that is referred to it by the Attorney General or that it considers appropriate on its own initiative, and to make recommendations thereon to the Attorney General and to the chief justices and chief judges of the various courts. *New.*

Trial lists, courtrooms

93. Judges and masters who have authority to assign judicial duties have authority over the preparation of trial lists and the assignment of courtrooms to the extent necessary to control the determination of who is assigned to hear particular cases. *New.*

Appointment of court staff

94. Court administrators, court reporters, interpreters, translators and such other employees as are considered necessary for the administration of the courts in Ontario may be appointed under the *Public Service Act.* R.S.O. 1980, c. 100, s. 4 (1); R.S.O. 1980, c. 398, s. 33 (3); R.S.O. 1980, c. 515, s. 17.

R.S.O. 1980, c. 418

Direction of court staff

95.—(1) In matters that are assigned by law to the judiciary, registrars, court clerks, court reporters, interpreters and other court staff shall act at the direction of the chief justice or chief judge of the court.

Idem

(2) Court personnel referred to in subsection (1) who are assigned to and present in a courtroom shall act at the direction of the presiding judge or master while the court is in session. R.S.O. 1980, c. 101, s. 14 (2); R.S.O. 1980, c. 398, ss. 26, 33 (1).

PART VII

JUDGES AND OFFICERS

Oath of office

96. Every judge or officer of a court in Ontario shall, before entering on the duties of office, take and sign the following oath or affirmation in either the English or French language:

> I solemnly swear (affirm) that I will faithfully, and to the best of my skill and knowledge, execute the duties of .....
> So help me God. (*Omit this line in an affirmation*)

R.S.O. 1980, c. 223, s. 84 (1).

Persona designata abolished

97. Where an adjudicative function is given by an Act to a judge or officer of a court in Ontario, the jurisdiction shall be deemed to be given to the court. *New.*

Liability of judges

98. Every judge of a court in Ontario and every master of the Supreme Court has the same immunity from liability as a judge of the Supreme Court. R.S.O. 1980, c. 223, s. 100 (4); R.S.O. 1980, c. 398, s. 13.

Compensation of judges for statutory duties

99. Every judge of the Supreme Court and of the District Court shall be paid out of the Consolidated Revenue Fund the annual sum of $3,000, payable quarterly, as compensation for the services the judge is called on to render by any Act of the Legislature in addition to his or her ordinary duties. R.S.O. 1980, c. 149, s. 2.

Extra-judicial services

100.—(1) A judge of the Supreme Court or the District Court may act as a conciliator, arbitrator or referee or on a commission of inquiry under an Act of the Legislature or under an agreement made under any such Act.

Remuneration

(2) A judge acting under subsection (1) shall not receive any remuneration but shall be reimbursed for reasonable travelling and other expenses incurred while so acting. R.S.O. 1980, c. 149, s. 3.

Inspector of Legal Offices

101.—(1) The Lieutenant Governor in Council may appoint an Inspector of Legal Offices.

Inspection

(2) The Inspector may inspect all court offices and such other offices connected with the administration of justice as the Attorney General designates. R.S.O. 1980, c. 223, s. 107 (1).

Inquiry by Inspector

R.S.O. 1980, c. 411

(3) The Inspector may inquire into the administration of any office that he or she is entitled to inspect and, for that purpose, the Inspector has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the inquiry as if it were an inquiry under that Act, but the Inspector may not summon a judge or master. R.S.O. 1980, c. 223, s. 108 (2).

Destruction of documents

(4) Documents and other material that are no longer required in a court office shall be disposed of in accordance with the directions of the Inspector, subject to the approval of,

(a) in the Supreme Court, the Chief Justice of Ontario;

(b) in the District Court, the Unified Family Court and the surrogate courts, the Chief Judge of the District Court;

(c) in the Provincial Court (Criminal Division) and the Provincial Offences Court, the Chief Judge of the Provincial Court (Criminal Division);

(d) in the Provincial Court (Family Division), the Chief Judge of the Provincial Court (Family Division);

(e) in the Provincial Court (Civil Division) in the counties and districts where a judge of the District Court presides, the Chief Judge of the District Court and in other counties and districts the Chief Judge of the Provincial Court (Civil Division). R.S.O. 1980, c. 223, s. 108 (4).

Official Guardian

102.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint an Official Guardian. *New.*

Qualifications

(2) No person shall be appointed Official Guardian unless he or she has been a member of the bar of one of the provinces of Canada for at least ten years.

Duties

(3) The Official Guardian shall act as litigation guardian of minors and other persons where required by an Act or the Rules of Civil Procedure, and in other cases may be authorized by a court to so act.

Costs

(4) The same costs as are payable to litigation guardians are payable to the Official Guardian and costs recovered by the Official Guardian shall be paid into the Consolidated Revenue Fund. R.S.O. 1980, c. 223, s. 109 (1-3).

Security for costs

(5) The Official Guardian shall not be required to give security for costs in any proceeding. R.S.O. 1980, c. 223, s. 109 (15).

Mortgages held by Accountant

(6) Where a person for whom the Official Guardian has acted is interested in a mortgage held by the Accountant, the Official Guardian shall take reasonable care to ensure that,

(a) money payable on the mortgage is promptly paid;

(b) the mortgaged property is kept properly insured; and

(c) taxes on the mortgaged property are promptly paid.

Payment into court

(7) Money received by the Official Guardian on behalf of a person for whom he or she acts shall, unless the court orders otherwise, be paid into court to the credit of the person entitled.

Assessment of costs

(8) Where the amount payable into court under subsection (7) is to be ascertained by the deduction of unassessed costs from a fund, the Official Guardian may require the costs to be assessed forthwith. *New.*

Audit

(9) The Provincial Auditor shall examine and report on the accounts and financial transactions of the Official Guardian. R.S.O. 1980, c. 223, s. 109 (12).

Assessment officers

103.—(1) The Registrar of the Supreme Court of Ontario, each master, local registrar and deputy local registrar of the Supreme Court, local registrar and deputy local registrar of the District Court and the clerk of the Unified Family Court is an assessment officer.

Idem

(2) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint additional assessment officers.

Jurisdiction

(3) Every assessment officer has the jurisdiction conferred by the Rules of Civil Procedure.

Appeal from assessment of costs before tribunal

(4) Where costs of a proceeding before a tribunal other than a court are to be assessed by an assessment officer,

(a) the Rules of Civil Procedure governing the procedure on an assessment of costs apply with necessary modifications; and

(b) an appeal lies to the High Court from a certificate of assessment of the costs if an objection was served in respect of the issue appealed in accordance with the Rules of Civil Procedure. *New.*

Official examiners

104.—(1) Every local registrar and deputy local registrar of the Supreme Court and local registrar and deputy local registrar of the District Court is an official examiner for the county or district for which he or she is appointed.

Additional official examiners

(2) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint additional official examiners. R.S.O. 1980, c. 223, s. 104 (1, 2).

Deputy official examiners

(3) With the approval of the Attorney General, every official examiner may appoint a deputy official examiner who may exercise and perform all the powers and duties of the official examiner. R.S.O. 1980, c. 223, s. 104 (7).

Officers of court

(4) Every official examiner and deputy official examiner is an officer of every court in Ontario. *New.*

Administration of oaths

105. Every officer of a court has, for the purposes of any matter before him or her, power to administer oaths and affirmations and to examine parties and witnesses. R.S.O. 1980, c. 223, s. 124.

Money held by officer of court

106. Money or property vested in or held by an officer of a court shall be deemed to be vested in the officer in trust for Her Majesty, subject to being disposed of in accordance with any Act, rule of court or order. R.S.O. 1980, c. 223, s. 112.

Disposition of court fees

107.—(1) All fees payable to a salaried officer of a court in respect of a proceeding in the court shall be paid into the Consolidated Revenue Fund.

Exception

R.S.O. 1980, c. 17

(2) Subsection (1) does not apply to fees payable to court reporters under the *Administration of Justice Act.* R.S.O. 1980, c. 101, s. 10; R.S.O. 1980, c. 223, s. 87.

PART VIII

COURT PROCEEDINGS

Application of Part

108.—(1) This Part applies to civil proceedings in courts of Ontario.

Application to criminal proceedings

(2) Sections 122 (constitutional questions) and 133 (giving decisions), section 135 and subsection 136 (7) (language of proceedings) and sections 142 (judge sitting on appeal) and 146 (prohibition against photography at court hearing) also apply to proceedings under the *Criminal Code* (Canada), except in so far as they are inconsistent with that Act.

R.S.C. 1970, c. C-34

Application to provincial offences

(3) Sections 122 (constitutional questions), 135, 136 (language of proceedings), 142 (judge sitting on appeal) and 146 (prohibition against photography at court hearings) also apply to proceedings under the *Provincial Offences Act* and, for the purpose, a reference therein to a judge includes a justice of the peace presiding in the Provincial Offences Court. *New.*

R.S.O. 1980, c. 400

COMMON LAW AND EQUITY

Rules of law and equity

109.—(1) Courts shall administer concurrently all rules of equity and the common law. R.S.O. 1980, c. 223, s. 18.

Rules of equity to prevail

(2) Where a rule of equity conflicts with a rule of the common law, the rule of equity prevails.

Jurisdiction for equitable relief

(3) Unless otherwise provided, only the Supreme Court, the District Court and the Unified Family Court may grant equitable relief. R.S.O. 1980, c. 223, ss. 25, 26.

Declaratory orders

110. The Supreme Court, the District Court and the Unified Family Court may make binding declarations of right whether or not any consequential relief is or could be claimed. R.S.O. 1980, c. 223, s. 18, par. 2.

Relief against penalties

111. A court may grant relief against penalties and forfeitures, on such terms as to compensation or otherwise as are considered just. R.S.O. 1980, c. 228, s. 22.

Damages in lieu of injunction or specific performance

112. A court that has jurisdiction to grant an injunction or order specific performance may award damages in addition to, or in substitution for, the injunction or specific performance. R.S.O. 1980, c. 223, s. 21.

Vesting orders

113. A court may by order vest in any person an interest in real or personal property that the court has authority to order be disposed of, encumbered or conveyed. R.S.O. 1980, c. 223, s. 79.

INTERLOCUTORY ORDERS

Injunctions and receivers

114.—(1) In the Supreme Court, the District Court or the Unified Family Court, an interlocutory injunction or manda-

tory order may be granted or a receiver or receiver and manager may be appointed by an interlocutory order, where it appears to a judge of the court to be just or convenient to do so.

Terms

(2) An order under subsection (1) may include such terms as are considered just. R.S.O. 1980, c. 223, s. 19 (1).

"labour dispute" defined

115.—(1) In this section, "labour dispute" means a dispute or difference concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

Notice

(2) Subject to subsection (8), no injunction to restrain a person from an act in connection with a labour dispute shall be granted without notice.

Steps before injunction proceeding

(3) In a motion or proceeding for an injunction to restrain a person from an act in connection with a labour dispute, the court must be satisfied that reasonable efforts to obtain police assistance, protection and action to prevent or remove any alleged danger of damage to property, injury to persons, obstruction of or interference with lawful entry or exit from the premises in question or breach of the peace have been unsuccessful.

Evidence

(4) Subject to subsection (8), affidavit evidence in support of a motion for an injunction to restrain a person from an act in connection with a labour dispute shall be confined to statements of facts within the knowledge of the deponent, but any party may by notice to the party filing such affidavit, and payment of the proper attendance money, require the attendance of the deponent to be cross-examined at the hearing.

Interim injunction

(5) An interim injunction to restrain a person from an act in connection with a labour dispute may be granted for a period of not longer than four days.

Notice

(6) Subject to subsection (8), at least two days notice of a motion for an interim injunction to restrain a person from any act in connection with a labour dispute shall be given to the responding party and to any other person affected thereby but not named in the notice of motion.

Idem

(7) Notice required by subsection (6) to persons other than the responding party may be given,

(a) where such persons are members of a labour organization, by personal service on an officer or agent of the labour organization; and

(b) where such persons are not members of a labour organization, by posting the notice in a conspicuous place at the location of the activity sought to be restrained where it can be read by any persons affected,

and service and posting under this subsection shall be deemed to be sufficient notice to all such persons.

Interim injunction without notice

(8) Where notice as required by subsection (6) is not given, the court may grant an interim injunction where,

(a) the case is otherwise a proper one for the granting of an interim injunction;

(b) notice as required by subsection (6) could not be given because the delay necessary to do so would result in irreparable damage or injury, a breach of the peace or an interruption in an essential public service;

(c) reasonable notification, by telephone or otherwise, has been given to the persons to be affected or, where any of such persons are members of a labour organization, to an officer of that labour organization or to the person authorized under section 87 of the *Labour Relations Act* to accept service of process under that Act on behalf of that labour organization or trade union, or where it is shown that such notice could not have been given; and

R.S.O. 1980, c. 228

(d) proof of all material facts for the purpose of clauses (a), (b) and (c) is established by oral evidence.

Misrepresentation as contempt of court

(9) The misrepresentation of any fact or the withholding of any qualifying relevant matter, directly or indirectly, in a proceeding for an injunction under this section, constitutes a contempt of court.

Appeal

(10) An appeal from an order under this section lies to the Court of Appeal without leave. R.S.O. 1980, c. 223, s. 20.

Certificate of pending litigation

116.—(1) The commencement of a proceeding in which an interest in land is in question is not notice of the proceeding to a person who is not a party until a certificate of pending litigation is issued by the court and the certificate is registered

in the proper land registry office under subsection (2). R.S.O. 1980, c. 223, s. 38 (1).

Registration

(2) Where a certificate of pending litigation is issued under subsection (1) it may be registered whether the land is registered under the *Land Titles Act* or the *Registry Act. New.*

R.S.O. 1980, cc. 230, 445

Exception

(3) Subsections (1) and (2) do not apply to a proceeding for foreclosure or sale on a registered mortgage or to enforce a lien under the *Construction Lien Act, 1983.*

1983, c. 6

Liability where no reasonable claim

(4) A party who registers a certificate under subsection (2) without a reasonable claim to an interest in the land is liable for any damages sustained by any person as a result of its registration.

Recovery of damages

(5) The liability for damages under subsection (4) and the amount thereof may be determined in the proceeding in respect of which the certificate was registered or in a separate proceeding. R.S.O. 1980, c. 223, s. 38 (3-5).

Order discharging certificate

(6) The court may make an order discharging a certificate,

(a) where the party at whose instance it was issued,

(i) claims a sum of money in place of or as an alternative to the interest in the land claimed,

(ii) does not have a reasonable claim to the interest in the land claimed, or

(iii) does not prosecute the proceeding with reasonable diligence;

(b) where the interests of the party at whose instance it was issued can be adequately protected by another form of security; or

(c) on any other ground that is considered just,

and the court may, in making the order, impose such terms as to the giving of security or otherwise as the court considers just. R.S.O. 1980, c. 223, s. 39 (1-3).

Effect

(7) Where a certificate is discharged, any person may deal with the land as fully as if the certificate had not been registered. R.S.O. 1980, c. 223, s. 39 (6).

Application of section

(8) Subsections (1) to (7) apply with necessary modifications to a certificate or caution under section 38 of the *Judicature*

Act, being chapter 223 of the Revised Statutes of Ontario, 1980, registered after the 24th day of November, 1977 and before this Act comes into force.

Idem

(9) Subsections (1), (2), (3), (6) and (7) apply with necessary modifications to a certificate or caution under section 38 of the *Judicature Act* registered before the 25th day of November, 1977. R.S.O. 1980, c. 223, s. 38 (6).

R.S.O. 1980, c. 223

Interim order for recovery of personal property

117.—(1) In an action in which the recovery of possession of personal property is claimed and it is alleged that the property,

(a) was unlawfully taken from the possession of the plaintiff; or

(b) is unlawfully detained by the defendant,

the court, on motion, may make an interim order for recovery of possession of the property.

Damages

(2) A person who obtains possession of personal property by obtaining or setting aside an interim order under subsection (1) is liable for any loss suffered by the person ultimately found to be entitled to possession of the property. R.S.O. 1980, c. 449, s. 2.

"medical practitioner" defined

118.—(1) In this section, "medical practitioner" means a person licensed to practise medicine or dentistry in Ontario or any other jurisdiction.

Order for physical or mental examination

(2) Where the physical or mental condition of a party to a proceeding is in question, the court, on motion, may order the party to undergo a physical or mental examination by one or more medical practitioners.

Idem

(3) Where the question of a party's physical or mental condition is first raised by another party, an order under this section shall not be made unless the allegation is relevant to a material issue in the proceeding and there is good reason to believe that there is substance to the allegation.

Further examinations

(4) The court may, on motion, order further physical or mental examinations.

Examiner may ask questions

(5) Where an order is made under this section, the party examined shall answer the questions of the examining medical practitioner relevant to the examination and the answers given are admissible in evidence. R.S.O. 1980, c. 223, s. 77.

Stay of proceedings

119. A court, on its own initiative or on motion by any person, whether or not a party, may stay any proceeding in the court on such terms as are considered just. R.S.O. 1980, c. 223, s. 18, par. 6.

Consolidation of proceedings in different courts

120.—(1) Where two or more proceedings are pending in two or more different courts, and the proceedings,

(a) have a question of law or fact in common;

(b) claim relief arising out of the same transaction or occurrence or series of transactions or occurrences; or

(c) for any other reason ought to be the subject of an order under this section,

an order may, on motion, be made,

(d) transferring any of the proceedings to another court and requiring the proceedings to be consolidated, or to be heard at the same time, or one immediately after the other; or

(e) requiring any of the proceedings to be,

(i) stayed until after the determination of any other of them, or

(ii) asserted by way of counterclaim in any other of them.

Transfer from Provincial Court (Civil Division)

(2) A proceeding in the Provincial Court (Civil Division) shall not be,

(a) transferred under clause (1) (d) to the District Court or the Supreme Court; or

(b) required under subclause (1) (e) (ii) to be asserted by way of counterclaim in a proceeding in the District Court or the Supreme Court,

without the consent of the plaintiff in the proceeding in the Provincial Court (Civil Division).

Motions

(3) The motion shall be made,

(a) where one or more of the proceedings are in the Supreme Court, to a judge of the Supreme Court;

(b) where none of the proceedings are in the Supreme Court, to a judge of the District Court.

Directions

(4) An order under subsection (1) may impose such terms and give such directions as are considered just, including dispensing with service of a notice of readiness or listing for trial and abridging the time for placing an action on the trial list.

Transfer

(5) A proceeding that is transferred to another court under clause (1) (d) shall be titled in the court to which it is transferred and shall be continued as if it had been commenced in that court.

Discretion at hearing

(6) Where an order has been made that proceedings be heard either at the same time or one immediately after the other, the judge presiding at the hearing nevertheless has discretion to order otherwise. *New.*

PROCEDURAL MATTERS

Jury trials

121.—(1) In a Supreme Court or District Court action, a party may require that the issues of fact be tried or the damages assessed, or both, by a jury, unless otherwise provided. R.S.O. 1980, c. 223, s. 59 (1).

Trials without jury

(2) Actions in which a claim is made for any of the following kinds of relief shall be heard without a jury:

1. Injunction or mandatory order.
2. Partition or sale of real property.
3. Relief under Part I, II or III of the *Family Law Reform Act* or under the *Children's Law Reform Act.* R.S.O. 1980, cc. 152, 68
4. Dissolution of a partnership or taking of partnership or other accounts.
5. Foreclosure or redemption of a mortgage.
6. Sale and distribution of the proceeds of property subject to any lien or charge.
7. Execution of a trust.
8. Rectification, setting aside or cancellation of a deed or other written instrument.
9. Specific performance of a contract.

10. Declaratory relief.

11. Other equitable relief.

12. Relief against a municipality. R.S.O. 1980, c. 223, ss. 58, 60 (4).

Idem

(3) On motion, the court may order that issues of fact be tried or damages assessed, or both, without a jury. R.S.O. 1980, c. 223, s. 59 (2).

Composition of jury

R.S.O. 1980, c. 226

(4) Where a proceeding is tried with a jury, the jury shall be composed of six persons selected in accordance with the *Juries Act*. *New.*

Verdicts or questions

(5) Where a proceeding is tried with a jury,

(a) the judge may require the jury to give a general verdict or to answer specific questions, subject to section 15 of the *Libel and Slander Act*; and

R.S.O. 1980, c. 237

(b) judgment may be entered in accordance with the verdict or the answers to the questions. R.S.O. 1980, c. 223, ss. 64, 65 (1, 3).

Idem

(6) It is sufficient if five of the jurors agree on the verdict or the answer to a question, and where more than one question is submitted, it is not necessary that the same five jurors agree to every answer. R.S.O. 1980, c. 223, s. 62.

Discharge of juror at trial

(7) The judge presiding at a trial may discharge a juror on the ground of illness, hardship, partiality or other sufficient cause.

Continuation with five jurors

(8) Where a juror dies or is discharged, the judge may direct that the trial proceed with five jurors, in which case the verdict or answers to questions must be unanimous. R.S.O. 1980, c. 223, s. 63.

Specifying negligent acts under R.S.O. 1980, c. 198, s. 167 (1)

(9) Where a proceeding to which subsection 167 (1) of the *Highway Traffic Act* applies is tried with a jury, the judge may direct the jury to specify negligent acts or omissions that caused the damages or injuries in respect of which the proceeding is brought. R.S.O. 1980, c. 223, s. 65 (2).

Malicious prosecution

(10) In an action for malicious prosecution, the trier of fact shall determine whether or not there was reasonable and probable cause for instituting the prosecution. R.S.O. 1980, c. 223, s. 66.

Constitutional questions

122.—(1) Where the constitutional validity or constitutional applicability of an Act of the Parliament of Canada or the Legislature or of a regulation or by-law made thereunder is in question, the Act, regulation or by-law shall not be adjudged to be invalid or inapplicable unless notice has been served on the Attorney General of Canada and the Attorney General of Ontario in accordance with subsection (2).

Form and time of notice

(2) The notice shall be in the form provided for by the Rules of Civil Procedure and, unless the court orders otherwise, shall be served at least ten days before the day on which the question is to be argued.

Notice of appeal

(3) Where the Attorney General of Canada and the Attorney General of Ontario are entitled to notice under subsection (1), they are entitled to notice of any appeal in respect of the constitutional question.

Right of Attorneys General to be heard

(4) Where the Attorney General of Canada or the Attorney General of Ontario is entitled to notice under this section, he or she is entitled to adduce evidence and make submissions to the court in respect of the constitutional question.

Right of Attorneys General to appeal

(5) Where the Attorney General of Canada or the Attorney General of Ontario makes submissions under subsection (4), he or she shall be deemed to be a party to the proceedings for the purpose of any appeal in respect of the constitutional question. R.S.O. 1980, c. 223, s. 35.

Proceeding in wrong forum

123.—(1) Where a proceeding or a step in a proceeding is brought or taken before the wrong court, judge or officer, it may be transferred or adjourned to the proper court, judge or officer.

Continuation of proceeding

(2) A proceeding that is transferred to another court under subsection (1) shall be titled in the court to which it is transferred and shall be continued as if it had been commenced in that court. *New.*

Set off

124.—(1) In an action for payment of a debt, the defendant may, by way of defence, claim the right to set off against the plaintiff's claim a debt owed by the plaintiff to the defendant. R.S.O. 1980, c. 223, s. 134.

Idem

(2) Mutual debts may be set off against each other, notwithstanding that they are of a different nature or that one debt is owed to or by a person in a personal capacity and the other debt is owed by or to the person in a capacity other than personal. R.S.O. 1980, c. 223, s. 135 (1).

Judgment for defendant

(3) Where, on a defence of set off, a larger sum is found to be due from the plaintiff to the defendant than is found to be due from the defendant to the plaintiff, the defendant is entitled to judgment for the balance. R.S.O. 1980, c. 223, s. 136.

Report of Official Guardian in divorce action R.S.C. 1970, c. D-8

125.—(1) Where a petition or counterpetition for divorce contains particulars of a child under the age of eighteen years who is a child of the marriage within the meaning of section 2 of the *Divorce Act* (Canada), the Official Guardian shall cause an investigation to be made and shall report to the court on all matters relating to the custody, maintenance and education of the child.

Agents

(2) The Official Guardian may engage another person to make the investigation.

Report as evidence

(3) An affidavit of the person making the investigation, verifying the report as to facts that are within the person's knowledge and setting out the source of the person's information and belief as to other facts, with the report attached as an exhibit thereto, shall be served on the parties and filed and on being filed shall form part of the evidence at the hearing of the divorce proceeding.

Attendance on report

(4) Where a party to the proceeding disputes the facts set out in the report, the Official Guardian shall if directed by the court, and may when not so directed, attend the hearing on behalf of the child and cause the person who made the investigation to attend as a witness.

Payment of fees R.S.O. 1980, c. 6

(5) The petitioner shall pay such fees for and disbursements arising from an investigation in respect of the petition as are prescribed under the *Administration of Justice Act*.

Idem

(6) The Official Guardian shall not serve or file the report of the investigation until the fees and disbursements have been paid, unless the court orders otherwise. R.S.O. 1980, c. 258, s. 1 (2-7).

Costs of Official Guardian

(7) The fees and disbursements of the Official Guardian payable under subsection (5) shall be deemed to be costs incurred in the proceeding for the purposes of any order for costs. R.S.O. 1980, c. 258, s. 1 (9).

Agreement preventing third party claim

126. Rules of court permitting a defendant to make a third party claim apply notwithstanding any agreement that provides that no action may be brought until after judgment against the defendant. *New.*

Agreement as to place of hearing

127. Where a party moves to change the place of hearing in a proceeding, an agreement as to the place of hearing is not binding, but may be taken into account. R.S.O. 1980, c. 223, s. 61.

Security

128. Where a person is required to give security in respect of a proceeding in a court, a bond of a guarantee company to which the *Guarantee Companies Securities Act* applies is sufficient, unless the court orders otherwise. R.S.O. 1980, c. 223, s. 76.

R.S.O. 1980, c. 192

Periodic payment and review of damages

129. In a proceeding where damages are claimed,

(a) for personal injuries; or

(b) under Part V of the *Family Law Reform Act*, for loss resulting from the injury to or death of a person,

R.S.O. 1980, c. 152

the court may, with the consent of all affected parties,

(c) order the defendant to pay all or part of the award for damages periodically on such terms as the court considers just;

(d) order that the award for damages be subject to future review and revision in such circumstances and on such terms as the court considers just. *New.*

Assessment of damages

130. Where damages are to be assessed in respect of,

(a) a continuing cause of action;

(b) repeated breaches of a recurring obligation; or

(c) intermittent breaches of a continuing obligation,

the damages, including damages for breaches occurring after the commencement of the proceeding, shall be assessed down to the time of the assessment. *New.*

Foreign money obligations

131.—(1) Subject to subsections (3) and (4), where a person obtains an order to enforce an obligation in a foreign currency, the order shall require payment of an amount in Canadian currency sufficient to purchase the amount of the obligation in the foreign currency at a chartered bank in Ontario at the close of business on the first day on which the bank quotes a Canadian dollar rate for purchase of the foreign

currency before the day payment of the obligation is received by the creditor.

Multiple payments

(2) Where more than one payment is made under an order referred to in subsection (1), the rate of conversion shall be the rate determined as provided in subsection (1) for each payment.

Discretion of court

(3) Subject to subsection (4), where, in a proceeding to enforce an obligation in a foreign currency, the court is satisfied that conversion of the amount of the obligation to Canadian currency as provided in subsection (1) would be inequitable to any party, the order may require payment of an amount in Canadian currency sufficient to purchase the amount of the obligation in the foreign currency at a chartered bank in Ontario on such other day as the court considers equitable in the circumstances.

Other obligations that include conversion

(4) Where an obligation enforceable in Ontario provides for a manner of conversion to Canadian currency of an amount in a foreign currency, the court shall give effect to the manner of conversion in the obligation.

Enforcement by seizure or garnishment

(5) Where a writ of seizure and sale or notice of garnishment is issued under an order to enforce an obligation in a foreign currency, the day the sheriff, bailiff or clerk of the court receives money under the writ or notice shall be deemed, for the purposes of this section and any obligation referred to in subsection (4), to be the day payment is received by the creditor. *New.*

Actions for accounting

132.—(1) Where an action for an accounting could have been brought against a person, the action may be brought against his or her personal representative.

Idem

(2) An action for an accounting may be brought by a joint tenant or tenant in common, or his or her personal representative, against a co-tenant for receiving more than the co-tenant's just share. R.S.O. 1980, c. 223, s. 139.

Interpretation

133.—(1) In this section,

(a) "chief judge" means the person having authority to assign duties to the judge;

(b) "judge" includes a local judge or master.

Decision after retirement, etc.

(2) A judge may, within ninety days of,

(a) reaching retirement age;

(b) resigning; or

(c) being appointed to another court,

give a decision or participate in the giving of a decision in any matter previously tried or heard before the judge.

Inability to give decision; panel of judges

(3) Where a judge has commenced a hearing together with other judges and,

(a) dies before the decision is given;

(b) is for any reason unable to participate in the giving of the decision; or

(c) does not participate in the giving of the decision under subsection (2),

the remaining judges may complete the hearing and give the decision of the court but, if the remaining judges are equally divided, a party may make a motion to the chief judge for an order that the matter be reheard. R.S.O. 1980, c. 223, s. 11 (1-3).

Inability to give decision; sitting alone

(4) Where a judge has commenced hearing a matter sitting alone and,

(a) dies without giving a decision;

(b) is for any reason unable to make a decision; or

(c) does not give a decision under subsection (2),

a party may make a motion to the chief judge for an order that the matter be reheard. R.S.O. 1980, c. 100, s. 30 (1).

Failure to give decision

(5) Where a judge has heard a matter and fails to give a decision,

(a) in the case of a judgment, within six months; or

(b) in any other case, within three months,

the chief judge may extend the time in which the decision may be given and, if necessary, relieve the judge of his or her other duties until the decision is given.

Continued failure

(6) Where time has been extended under subsection (5) but the judge fails to give the decision within that time, unless the chief judge grants a further extension,

(a) the chief judge shall report the failure and the surrounding circumstances to the appropriate judicial council; and

(b) a party may make a motion to the chief judge for an order that the matter be reheard. *New.*

Rehearing

(7) Where an order is made under subsection (3), (4) or (6) for the rehearing of a matter, the chief judge may,

(a) dispose of the costs of the original hearing or refer the question of those costs to the judge or judges presiding at the rehearing;

(b) direct that the rehearing be conducted on the transcript of evidence taken at the original hearing, subject to the discretion of the court at the rehearing to recall a witness or require further evidence; and

(c) give such other directions as are considered just. R.S.O. 1980, c. 100, s. 30 (2-6).

Service on Sunday

134. No document shall be served and no order shall be executed on Sunday, except with leave of the court. R.S.O. 1980, c. 223, s. 132.

LANGUAGE

Official languages of the courts

135.—(1) The official languages of the courts of Ontario are English and French. *New.*

Proceedings in English unless otherwise provided

(2) Except as otherwise provided with respect to the use of the French language,

(a) hearings in courts shall be conducted in the English language and evidence adduced in a language other than English shall be interpreted into the English language; and

(b) documents filed in courts shall be in the English language or shall be accompanied by a translation of the document into the English language certified by affidavit of the translator. R.S.O. 1980, c. 223, s. 130 (1).

"designated court" defined

136.—(1) In this section, "designated court" means,

(a) a court sitting in,

(i) the county of Essex or Renfrew,

(ii) the judicial district of Niagara South, Ottawa-Carleton or York,

(iii) the territorial district of Algoma, Cochrane, Nipissing, Sudbury or Timiskaming,

(iv) the united counties of Prescott and Russell or the united counties of Stormont, Dundas and Glengarry;

(b) a court designated by order of the Lieutenant Governor in Council, sitting in a place that is not in a county or district mentioned in clause (a) and is designated in the order. R.S.O. 1980, c. 223, s. 130 (2, 3); 1983, c. 3, s. 1 (1).

Non-jury trial before bilingual judge

(2) In a proceeding in a designated court without a jury, a party who speaks the French language has the right to require that the hearing be conducted before a judge who speaks both the English and French languages.

Jury trial before bilingual judge and jury

(3) In a proceeding in a designated court referred to in clause (1) (a) that is to be heard by a judge and jury, a party who speaks the French language has the right to require that the hearing be conducted before a judge and jurors who speak both the English and French languages.

Proceedings in English and French

(4) Where a right under subsection (2) or (3) is exercised,

(a) all evidence adduced and submissions made at the hearing in the proceeding in the English or French language shall be received, recorded and transcribed in the language in which it is given;

(b) any other part of the hearing may be conducted in the French language if, in the opinion of the presiding judge, the hearing can be so conducted;

(c) any oral evidence adduced at an examination before or after the hearing in the proceeding in the English or French language shall be received, recorded and transcribed in the language in which it is given;

(d) with the consent of all the parties or by order of the court, clauses (a) and (b) apply to any other step in the proceeding;

(e) with the consent of all the parties, pleadings and other documents filed in the proceeding may be in the French language only;

(f) the reasons for the decision in the proceeding may be in either the English or French language; and

(g) on the request of a party or counsel who speaks the English or French language, but not both, the court shall provide,

(i) interpretation of anything given orally in the other language under clause (a), (b), (c) or (d), and

(ii) translation of documents in the other language under clause (a), (d) or (f), unless the court considers that the ends of justice do not require the expense of translation,

into the language spoken by the party or counsel. R.S.O. 1980, c. 223, s. 130 (6, 7).

Appeals

(5) Where an appeal is taken in a proceeding to which subsection (4) applies,

(a) a party who speaks the French language has the right to require the hearing of the appeal to be conducted before a judge or judges who speak both the English and French languages, in which case subsection (4) applies, with necessary modifications, to the hearing of the appeal; and

(b) the court whose decision is appealed shall provide a translation into the English or French language, at the request of a party or counsel who speaks only one of these languages, of any part of the transcript of the hearing that is in the other language.

Court documents

(6) A document filed by a party before the hearing in a proceeding in the Provincial Court (Family Division) or the Provincial Court (Civil Division) where the court is a designated court may be in the French language only. R.S.O. 1980, c. 223, s. 130 (8); 1983, c. 3, s. 1 (2).

Process

(7) A process issued in or giving rise to a criminal proceeding or a proceeding in the Provincial Offences Court where it is a designated court may be filed in the court in the French language only.

Translation

(8) A document or process referred to in subsection (6) or (7) that is filed in the English or French language only shall be translated by the court into the other language on the request of a party.

Interpretation in undesignated courts

(9) Where, at a hearing in a court that is not a designated court or at a hearing in a designated court to which subsection (4) does not apply, a party acting in person makes submissions to the court in the French language or a witness gives oral evidence in the French language, the court shall provide an interpreter to translate the submissions or evidence into the English language.

Corporations, etc.

(10) A corporation, partnership or sole proprietorship may claim the rights under this section in the same manner as a person who speaks either the English or French language, unless the court orders otherwise.

Regulations

(11) The Lieutenant Governor in Council may make regulations prescribing procedures for the purpose of this section. *New.*

INTEREST AND COSTS

Interpretation

137.—(1) In this section and in sections 138 and 139,

(a) "bank rate" means the bank rate established by the Bank of Canada as the minimum rate at which the Bank of Canada makes short-term advances to the chartered banks;

(b) "date of the order" means the date the order is made, notwithstanding that the order is not entered or enforceable on that date, or that the order is varied on appeal, and in the case of an order directing a reference, the date the report on the reference is confirmed;

(c) "postjudgment interest rate" means the bank rate at the end of the first day of the last month of the quarter preceding the quarter in which the date of the order falls, rounded to the next higher whole number where the bank rate includes a fraction, plus 1 per cent;

(d) "prejudgment interest rate" means the bank rate at the end of the first day of the last month of the quarter preceding the quarter in which the proceeding was commenced, rounded to the next higher whole number where the bank rate includes a fraction, plus 1 per cent;

(e) "quarter" means the three-month period ending with the 31st day of March, 30th day of June, 30th

day of September or 31st day of December. R.S.O. 1980, c. 223, s. 36 (1, 2).

Calculation and publication of interest

(2) After the first day of the last month of each quarter, the Registrar of the Supreme Court shall forthwith,

(a) determine the prejudgment and postjudgment interest rate for the next quarter; and

(b) publish in *The Ontario Gazette* a table showing the rate determined under clause (a) for the next quarter and for all the previous quarters during the preceding ten years. *New.*

Prejudgment interest

138.—(1) A person who is entitled to an order for the payment of money is entitled to claim and have included in the order an award of interest thereon at the prejudgment interest rate, calculated,

(a) where the order is made on a liquidated claim, from the date the cause of action arose to the date of the order; or

(b) where the order is made on an unliquidated claim, from the date the person entitled gave notice in writing of his claim to the person liable therefor to the date of the order.

Special damages

(2) Where the order includes an amount for special damages, the interest calculated under subsection (1) shall be calculated on the balance of special damages incurred as totalled at the end of each six-month period following the notice in writing referred to in clause (1) (b) and at the date of the order.

Exclusion

(3) Interest shall not be awarded under subsection (1),

(a) on exemplary or punitive damages;

(b) on interest accruing under this section;

(c) on an award of costs in the proceeding;

(d) on that part of the order that represents pecuniary loss arising after the date of the order and that is identified by a finding of the court;

(e) where the order is made on consent, except by consent of the debtor; or

(f) where interest is payable by a right other than under this section. R.S.O. 1980, c. 223, s. 36 (3-5).

Application

(4) Where a proceeding is commenced before this section comes into force, this section does not apply and section 36 of the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, continues to apply, notwithstanding section 187.

Postjudgment interest

139.—(1) Money owing under an order, including costs to be assessed or costs fixed by the court, bears interest at the postjudgment interest rate, calculated from the date of the order. R.S.O. 1980, c. 223, s. 37 (1).

Interest on periodic payments

(2) Where an order provides for periodic payments, each payment in default shall bear interest only from the date of default.

Interest on orders originating outside Ontario

(3) Where an order is based on an order given outside Ontario or an order of a court outside Ontario is filed with a court in Ontario for the purpose of enforcement, money owing under the order bears interest at the rate, if any, applicable to the order given outside Ontario by the law of the place where it was given.

Costs assessed without order

(4) Where costs are assessed without an order, the costs bear interest at the postjudgment interest rate in the same manner as if an order were made for the payment of costs on the date the person to whom the costs are payable became entitled to the costs.

Other provision for interest

(5) Interest shall not be awarded under this section where interest is payable by a right other than under this section. *New.*

Application

(6) Where an order for the payment of money is made before this section comes into force, this section does not apply and section 37 of the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, continues to apply, notwithstanding section 187.

Discretion of court

140. The court may, where it considers it just to do so, having regard to changes in market interest rates, the circumstances of the case, the conduct of the proceeding or any other relevant consideration,

(a) disallow interest under section 138 or 139;

(b) allow interest at a rate higher or lower than that provided in section 138 or 139;

(c) allow interest for a period other than that provided in section 138 or 139,

in respect of the whole or any part of the amount on which interest is payable under section 138 or 139. R.S.O. 1980, c. 223, ss. 36 (6), 37 (2).

Costs

141.—(1) Subject to the provisions of an Act or rules of court, the costs of a proceeding or a step in a proceeding are in the discretion of the court, and the court may determine by whom and to what extent the costs shall be paid. R.S.O. 1980, c. 223, s. 80 (1).

Crown costs

(2) In a proceeding to which Her Majesty is a party, costs awarded to Her Majesty shall not be disallowed or reduced on assessment merely because they relate to a barrister or solicitor who is a salaried officer of the Crown, and costs recovered on behalf of Her Majesty shall be paid into the Consolidated Revenue Fund. R.S.O. 1980, c. 223, s. 80 (5).

APPEALS

Judge not to hear appeal from own decision

142. A judge shall not sit as a member of a court hearing an appeal from his or her own decision. R.S.O. 1980, c. 223, ss. 42 (6), 46 (5).

Leave to appeal required

143. No appeal lies without leave of the court to which the appeal is to be taken,

(a) from an order made with the consent of the parties; or

(b) where the appeal is only as to costs that are in the discretion of the court that made the order for costs on the ground that the discretion was wrongly exercised. R.S.O. 1980, c. 223, ss. 27, 80 (4).

Powers on appeal

144.—(1) Unless otherwise provided, a court to which an appeal is taken may,

(a) make any order or decision that ought to or could have been made by the court or tribunal appealed from;

(b) order a new trial;

(c) make any other order or decision that is considered just. R.S.O. 1980, c. 223, s. 29 (1).

Interim orders

(2) On motion, a court to which an appeal is taken may make any interim order that is considered just to prevent prejudice to a party pending the appeal. *New.*

Power to quash

(3) On motion, a court to which an appeal is taken may, in a proper case, quash the appeal. R.S.O. 1980, c. 223, s. 13 (1).

Determination of fact

(4) Unless otherwise provided, a court to which an appeal is taken may, in a proper case,

(a) draw inferences of fact from the evidence, except that no inference shall be drawn that is inconsistent with a finding that has not been set aside;

(b) receive further evidence by affidavit, transcript of oral examination, oral examination before the court or in such other manner as the court directs; and

(c) direct a reference or the trial of an issue,

to enable the court to determine the appeal.

Scope of decisions

(5) The powers conferred by this section may be exercised notwithstanding that the appeal is as to part only of an order or decision, and may be exercised in favour of a party even though the party did not appeal. R.S.O. 1980, c. 223, s. 29 (2, 3).

New trial

(6) A court to which an appeal is taken shall not direct a new trial unless some substantial wrong or miscarriage of justice has occurred.

Idem

(7) Where some substantial wrong or miscarriage of justice has occurred but it affects only part of an order or decision or some of the parties, a new trial may be ordered in respect of only that part or those parties. R.S.O. 1980, c. 223, ss. 30, 31.

PUBLIC ACCESS

Public hearings

145.—(1) Subject to subsection (2) and rules of court, all court hearings shall be open to the public. R.S.O. 1980, c. 223, s. 117.

Exception

(2) The court may order the public to be excluded from a hearing where the possibility of serious harm or injustice to any person justifies a departure from the general principle that court hearings should be open to the public.

Disclosure of information

(3) Where a proceeding is heard in the absence of the public, disclosure of information relating to the proceeding is not contempt of court unless the court expressly prohibited the disclosure of the information. *New.*

Prohibition against photography, etc., at court hearing

146.—(1) Subject to subsections (2) and (3), no person shall,

(a) take or attempt to take a photograph, motion picture, audio recording or other record capable of producing visual or aural representations by electronic means or otherwise,

(i) at a court hearing,

(ii) of any person entering or leaving the room in which a court hearing is to be or has been convened, or

(iii) of any person in the building in which a court hearing is to be or has been convened where there is reasonable ground for believing that the person is there for the purpose of attending or leaving the hearing; or

(b) publish, broadcast, reproduce or otherwise disseminate a photograph, motion picture, audio recording or record taken in contravention of clause (a).

Exceptions

(2) Nothing in subsection (1),

(a) prohibits a person from unobtrusively making handwritten notes or sketches at a court hearing; or

(b) prohibits a solicitor or party acting in person from unobtrusively making an audio recording at a court hearing that is used only for the purposes of the litigation as a substitute for notes.

Exceptions

(3) Subsection (1) does not apply to a photograph, motion picture, audio recording or record made with authorization of the judge,

(a) where required for the presentation of evidence or the making of a record or for any other purpose of the court hearing;

(b) in connection with any investitive, naturalization, ceremonial or other similar proceeding; or

(c) with the consent of the parties and witnesses, for such educational or instructional purposes as the judge approves.

Offence

(4) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1980, c. 223, s. 67.

Documents public

147.—(1) On payment of the prescribed fee, a person is entitled to see any document filed in a civil proceeding in a court, unless an Act or an order of the court provides otherwise. R.S.O. 1980, c. 223, s. 129 (4).

Sealing documents

(2) A court may order that any document filed in a civil proceeding before it be treated as confidential, sealed and not form part of the public record. *New.*

Court lists public

(3) On payment of the prescribed fee, a person is entitled to see any list maintained by a court of civil proceedings commenced or judgments entered.

Copies

(4) On payment of the prescribed fee, a person is entitled to a copy of any document he or she is entitled to see. R.S.O. 1980, c. 223, s. 129 (1, 3).

MISCELLANEOUS

Multiplicity of proceedings

148. As far as possible, multiplicity of legal proceedings shall be avoided. R.S.O. 1980, c. 223, s. 18, par. 8.

Joint liability not affected by judgment or release

149.—(1) Where two or more persons are jointly liable in respect of the same cause of action, a judgment against or release of one of them does not preclude judgment against any other in the same or a separate proceeding.

Two proceedings in respect of same damage

(2) Where a person who has suffered damage brings two or more proceedings in respect of the damage, the person is not entitled to costs in any of the proceedings, except the first proceeding in which judgment is obtained, unless the court is of the opinion that there were reasonable grounds for bringing more than one proceeding. *New.*

Vexatious proceedings

150.—(1) Where a judge of the Supreme Court is satisfied, on application, that a person has persistently and without reasonable grounds,

(a) instituted vexatious proceedings in any court; or

(b) conducted a proceeding in any court in a vexatious manner,

the judge may order that,

(c) no further proceeding be instituted by the person in any court; or

(d) a proceeding previously instituted by the person in any court not be continued,

except by leave of a judge of the Supreme Court.

Attorney General

(2) An application under subsection (1) shall be made only with the consent of the Attorney General, and the Attorney General is entitled to be heard on the application. R.S.O. 1980, c. 523, s. 1 (1, 2).

Application for leave to proceed

(3) Where a person against whom an order under subsection (1) has been made seeks leave to institute or continue a proceeding, he or she shall do so by way of an application in the Supreme Court.

Leave to proceed

(4) Where an application for leave is made under subsection (3),

(a) leave shall be granted only if the court is satisfied that the proceeding sought to be instituted or continued is not an abuse of process and that there are reasonable grounds for the proceeding;

(b) the person making the application for leave may seek the rescission of the order made under subsection (1) but may not seek any other relief on the application;

(c) the court may rescind the order made under subsection (1);

(d) the Attorney General is entitled to be heard on the application; and

(e) no appeal lies from a refusal to grant relief to the applicant.

Abuse of process

(5) Nothing in this section limits the authority of a court to stay or dismiss a proceeding as an abuse of process or on any other ground. *New.*

Protection for acting under court order

151. A person is not liable for any act done in good faith in accordance with an order or process of a court in Ontario. R.S.O. 1980, c. 223, s. 142.

Enforcement of bonds and recognizances

152.—(1) A bond or recognizance arising out of a civil proceeding may be enforced in the same manner as an order for the payment of money by leave of a judge on motion by the Attorney General or any other person entitled to enforcement.

Enforcement of fines for contempt

(2) A fine for contempt of court may be enforced by the Attorney General in the same manner as an order for the payment of money or in any other manner permitted by law.

Enforcement by sheriff

(3) The sheriff to whom a writ obtained under subsection (1) or (2) is directed shall proceed immediately to carry out the writ without a direction to enforce. R.S.O. 1980, c. 144.

Consul as official representative

153. Where a person who is ordinarily resident in a foreign country is entitled to money or property that is in the hands of a court or an executor or administrator, and if the foreign country has a consul in Canada who is authorized to act as the person's official representative, the money or property may be paid or delivered to the consul. R.S.O. 1980, c. 223, s. 113.

Seal of court

154.—(1) The courts shall have such seals as are approved by the Attorney General.

Idem

(2) Every document issued out of a court in a civil proceeding shall bear the seal of the court. R.S.O. 1980, c. 223, ss. 12, 94.

Jurisdiction of Federal Court

155. The Federal Court of Canada has jurisdiction,

(a) in controversies between Canada and Ontario;

(b) in controversies between Ontario and any other province in which an enactment similar to this section is in force,

R.S.C. 1970 (2nd Supp.), c. 10

in accordance with section 19 of the *Federal Court Act* (Canada). R.S.O. 1980, c. 125, s. 1.

PART IX

TRANSITIONAL PROVISIONS

Application to all proceedings

156.—(1) This Act applies to all proceedings, whether commenced before or after this Act comes into force, subject to subsections (2) and (3) and except as otherwise provided.

Exception

(2) Where a notice of appeal is delivered before this Act comes into force, the appeal shall be heard and determined by the court that had jurisdiction over the appeal before this Act comes into force.

Exception

(3) Where a proceeding is commenced before this Act comes into force, on motion, the court in which the proceeding was commenced may order, subject to such terms as are considered just and subject to variation by further order, that the proceeding or a step in the proceeding be conducted under the Acts and rules of court that governed the matter immediately before this Act comes into force or may make any other order that is considered just.

Continuation of county court proceedings

157.—(1) A proceeding commenced in a county or district court, a county or district court judge's criminal court or a court of general sessions of the peace and pending when Part II comes into force is continued in the District Court.

References to county and district courts

(2) A reference in an Act or regulation to a county or district court or to a judge or the Chief Judge or Associate Chief Judge thereof shall be deemed to be a reference to the District Court or a judge, the Chief Judge or Associate Chief Judge thereof, respectively.

Continuation of proceedings in provincial courts

158.—(1) A proceeding commenced in a provincial court (criminal division), a provincial court (family division), a provincial offences court or a small claims court and pending when Part IV comes into force is continued in the Provincial Court (Criminal Division), the Provincial Court (Family Division), the Provincial Offences Court or the Provincial Court (Civil Division), respectively.

References to provincial courts

(2) A reference in an Act or regulation to a provincial court (criminal division), a provincial court (family division), a provincial offences court or a small claims court shall be deemed to be a reference to the Provincial Court (Criminal Division), the Provincial Court (Family Division), the Provincial Offences Court or the Provincial Court (Civil Division), respectively.

Reference to territorial jurisdiction

159. Where by an Act or regulation, jurisdiction is conferred on a particular county or district court, provincial court, provincial offences court or small claims court, the jurisdiction shall be deemed to be conferred on the District Court, Provincial Court, Provincial Offences Court or Provincial Court (Civil Division) sitting in the county or district of the court named.

PART X

COMPLEMENTARY AMENDMENTS TO STATUTE LAW

Changes in terminology

160. A reference in any Act, rule or regulation, or order or other court process to a term set out in column 1 of the Table, or any form thereof, shall be deemed to refer to the corresponding term set out opposite thereto in column 2.

TABLE

Column 1	*Column 2*
1. administrator *ad litem*	1. litigation administrator
2. certificate of *lis pendens*	2. certificate of pending litigation
3. conduct money	3. attendance money
4. guardian *ad litem*	4. litigation guardian
5. next friend	5. litigation guardian
6. originating motion	6. application
7. originating notice	7. notice of application
8. praecipe	8. requisition
9. Rules of Practice and Procedure of the Supreme Court of Ontario made by the Rules Committee	9. Rules of Civil Procedure
10. special examiner	10. official examiner
11. taxation of costs	11. assessment of costs
12. taxing officer	12. assessment officer
13. writ of *fieri facias*	13. writ of seizure and sale
14. writ of summons	14. statement of claim or notice of action

161. Subsection 31 (1) of the *Arbitrations Act*, being chapter 25 of the Revised Statutes of Ontario, 1980, is repealed.

162. The *Bailiffs Act*, being chapter 37 of the Revised Statutes of Ontario, 1980, is amended by striking out "clerk of the

peace" where it occurs in sections 6, 7 and 12 and inserting in lieu thereof in each instance "sheriff".

163. **Section 68 of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed.**

164. **The *Constitutional Questions Act*, being chapter 86 of the Revised Statutes of Ontario, 1980, is repealed.**

165.—(1) **Clause 51 (2) (a) of the *Construction Lien Act, 1983*, being chapter 6, is amended by striking out "having jurisdiction" in the first line and inserting in lieu thereof "sitting".**

(2) Clauses 51 (2) (b) and (c) of the said Act are repealed and the following substituted therefor:

(b) on consent of the persons to whom a notice of trial must be given and on the order of a local judge sitting in the county or district referred to in clause (a), by a local judge sitting in another county or district, but not in the Judicial District of York; or

(c) where upon motion a local judge sitting in the county or district referred to in clause (a) so orders, by a judge of the court at the regular sittings of the court for the trial of actions in that county or district.

(3) Clause 52 (1) (b) of the said Act is repealed and the following substituted therefor:

(b) a master assigned to the county or district in which the premises or part thereof are situate or a commissioner appointed under section 24 of the *Courts of Justice Act, 1984*, where the premises are situate outside the Judicial District of York. 1984, c. 11

(4) Clause 52 (1) (c) of the said Act is amended by striking out "the" in the first line and inserting in lieu thereof "a".

(5) Subsection 52 (2) of the said Act is amended by striking out "appointed local master" in the first line and inserting in lieu thereof "commissioner".

(6) Clause 52 (2) (b) of the said Act is amended by striking out "appointed local master" in the second line and inserting in lieu thereof "commissioner".

(7) Clause 52 (2) (c) of the said Act is amended by striking out "originating".

(8) Subsection 52 (3) of the said Act is amended by striking out "appointed local master" in the second line and inserting in lieu thereof "commissioner".

(9) Section 53 of the said Act is amended by striking out "an appointed local master" in the second line and inserting in lieu thereof "commissioner".

(10) Section 54 of the said Act is amended by striking out "an appointed local master" in the first and second lines and inserting in lieu thereof "commissioner".

(11) Subsection 55 (1) of the said Act is amended by striking out "filing" in the first line and inserting in lieu thereof "issuing" and by striking out "registrar or" in the second line.

(12) Subsection 55 (2) of the said Act is amended by striking out "filed" in the second line and inserting in lieu thereof "issued".

(13) Subsection 56 (2) of the said Act is repealed and the following substituted therefor:

Noting in default

(2) Where a person against whom a claim is made in a statement of claim, counterclaim, crossclaim or third party claim defaults in the delivery of a defence to that claim, the person against whom the claim is made may be noted in default.

(14) Subsection 56 (3) of the said Act is amended by striking out "pleadings have been noted closed against a defendant or third party" in the first and second lines and inserting in lieu thereof "a defendant or third party has been noted in default".

(15) Subsection 56 (4) of the said Act is amended by striking out "against whom pleadings have been noted closed" in the second and third lines and inserting in lieu thereof "who has been noted in default" and by striking out "proceeding in respect of" in the seventh line and inserting in lieu thereof "step in".

(16) Subsection 56 (5) of the said Act is repealed.

(17) Section 58 of the said Act is amended by striking out "proceedings" where it occurs in the first line and in the third

line of paragraph 3 and inserting in lieu thereof "claims" in each instance.

(18) Clause 60 (1) (b) of the said Act is repealed and the following substituted therefor:

(b) a local judge may refer to a master assigned to the county or district in which the trial is to take place or a commissioner appointed under section 24 of the *Courts of Justice Act, 1984,* 1984, c. 11

. . . . .

(19) Subsection 60 (1) of the said Act is amended by striking out "under section 71 of the *Judicature Act*" in the ninth line.

(20) Clause 60 (2) (b) of the said Act is repealed and the following substituted therefor:

(b) a local judge may direct a reference to a master assigned to the county or district in which the trial is to take place or to a commissioner.

(21) Subsection 60 (2) of the said Act is amended by striking out "under section 70 or 71 of the *Judicature Act*" in the sixth line.

(22) Subsection 60 (3) of the said Act is amended by striking out "local master" in the second line and inserting in lieu thereof "commissioner".

(23) Subsection 63 (6) of the said Act is repealed and the following substituted therefor:

(6) Rule 50 of the Rules of Civil Procedure does not apply to an action under this Act. Non-application of Rule 50

(24) Clause 64 (1) (b) of the said Act is amended by striking out "an appointed local master of the court" in the second and third lines and inserting in lieu thereof "commissioner".

(25) Subsection 64 (2) of the said Act is amended by striking out "proceedings" in the third line and inserting in lieu thereof "action".

(26) Subsection 64 (3) of the said Act is amended by striking out "an appointed local master" in the first line and inserting in lieu thereof "commissioner" and by striking out "appeal" in the fourth line and inserting in lieu thereof "a motion to oppose confirmation of the report".

(27) Subsection 69 (2) of the said Act is amended by striking out "proceedings" where it occurs in the first line and in the third line and inserting in lieu thereof "steps" in each instance.

(28) Subsection 69 (6) of the said Act is amended by striking out "interlocutory" in the fourth line.

(29) Subsections 73 (1) and (2) of the said Act are repealed and the following substituted therefor:

Appeal to Divisional Court

(1) Subject to subsection (3), an appeal lies to the Divisional Court from a judgment or an order on a motion to oppose confirmation of a report under this Act.

Notice of appeal

(2) A party wishing to appeal shall file and serve his notice of appeal within fifteen days of the date of the judgment or order, but the time for filing or serving the notice of appeal may be extended by the written consent of all parties, or by a single judge of the Divisional Court where an appropriate case is made out for doing so.

(30) Clause 73 (3) (a) of the said Act is amended by inserting after "or" in the first line "an order on a motion to oppose confirmation of".

(31) Subsection 88 (1) of the said Act is amended by striking out "an appointed local master" in the eighteenth and nineteenth lines and inserting in lieu thereof "commissioner".

(32) Subsection 88 (3) of the said Act is repealed.

(33) Subsection 89 (3) of the said Act is repealed.

166. Subsection 3 (6) of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Crown attorney notified of appointment

(6) A copy of the order appointing a coroner shall be sent by the Minister to the Crown attorney of any county or district in which the coroner will ordinarily act.

167. The *County Court Judges' Criminal Courts Act*, being chapter 99 of the Revised Statutes of Ontario, 1980, is repealed.

168. The *County Courts Act*, being chapter 100 of the Revised Statutes of Ontario, 1980 and the *County Courts Amendment Act, 1981*, being chapter 24, are repealed.

169. The *County Judges Act*, being chapter 101 of the Revised Statutes of Ontario, 1980, is repealed.

170.—(1) Section 6 of the *Crown Attorneys Act*, being chapter 107 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subclauses 12 (b) (ii) and (iii) of the said Act are repealed and the following substituted therefor:

(ii) at sittings of the District Court, and

. . . . .

(3) Clause 12 (i) of the said Act is repealed.

(4) Section 14 of the said Act is amended by striking out "and clerk of the peace" in the second and third lines.

(5) Section 15 of the said Act is amended by striking out "and clerk of the peace" in the first line.

171. Section 19 of the *Developmental Services Act*, being chapter 118 of the Revised Statutes of Ontario, 1980, is repealed.

172. Subsection 2 (3) of the *Disorderly Houses Act*, being chapter 120 of the Revised Statutes of Ontario, 1980, is amended by striking out "clerk of the peace" in the second line and inserting in lieu thereof "local registrar of the District Court".

173. The *Dominion Courts Act*, being chapter 125 of the Revised Statutes of Ontario, 1980, is repealed.

174. Section 26 of the *Estates Administration Act*, being chapter 143 of the Revised Statutes of Ontario, 1980, is repealed.

175. The *Estreats Act*, being chapter 144 of the Revised Statutes of Ontario, 1980, is repealed.

176.—(1) Section 48 of the *Evidence Act*, being chapter 145 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Presumption

(2) An examination or deposition received or read in evidence under subsection (1) shall be presumed to represent accurately the evidence of the party or witness, unless there is good reason to doubt its accuracy.

(2) Subsection 60 (1) of the said Act is amended by inserting after "process" in the fifth line "for a purpose for which a letter of request could be issued under the Rules of Civil Procedure".

177.—(1) **The *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:**

Execution of writ of seizure and sale

19a.—(1) A sheriff acting under a writ of seizure and sale, a writ of delivery or a writ of sequestration may use reasonable force to enter land and premises other than a dwelling where he believes, on reasonable and probable grounds, that there is property liable to be taken in execution under the writ and may use reasonable force to execute the writ.

Idem, dwelling

(2) A sheriff acting under a writ of seizure and sale, a writ of delivery or a writ of sequestration in respect of property on premises that is used as a dwelling shall not use force to enter the dwelling or execute the writ except under the authority of an order of the court by which the writ was issued, and the court may make the order where in the opinion of the court there is reasonable and probable grounds to believe that there is property on the premises that is liable to be taken in execution under the writ.

Execution of writ of possession

19b.—(1) A sheriff acting under a writ of possession may use reasonable force to enter and take possession of the land and premises referred to in the writ.

Idem

(2) In executing a writ of possession it is not necessary to remove personal property from the land and premises.

(2) Section 25 of the said Act is repealed.

(3) The said Act is further amended by adding thereto the following section:

Execution against partner

29a. Under an execution against a partner in his personal capacity, partnership assets shall not be taken in execution, but an order may be made appointing a receiver of the partner's share of profits whether already declared or accruing and of any other money that may be coming to him in respect of the partnership.

178. The *Extra-Judicial Services Act*, being chapter 149 of the Revised Statutes of Ontario, 1980, is repealed.

179.—(1) Subsection 2 (6) of the *Family Law Reform Act*, being chapter 152 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Clause 25 (1) (b) of the said Act is repealed and the following substituted therefor:

(b) it appears to the court that the respondent resides in another county or district; and

. . . . .

(3) Subsection 25 (6) of the said Act is repealed and the following substituted therefor:

Where order not confirmed

(6) Where the respondent appears before the court and the court, having regard to all the evidence, is of the opinion that the order ought not to be confirmed, the court shall remit the case to the court sitting in the county or district where the order was made together with a statement of the reasons for so doing, and in that event the court sitting in the county or district where the order was made may dispose of the application in such manner as it considers proper.

(4) Section 30 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 60, section 1, is repealed.

180. Section 3 of the *Fines and Forfeitures Act*, being chapter 162 of the Revised Statutes of Ontario, 1980, is amended by striking out "court of general sessions of the peace" in the fifth and sixth lines and inserting in lieu thereof "District Court".

181. The *General Sessions Act*, being chapter 187 of the Revised Statutes of Ontario, 1980, is repealed.

182. Subsection 1 (1) of the *Habeas Corpus Act*, being chapter 193 of the Revised Statutes of Ontario, 1980, is amended by striking out "court of general sessions of the peace" in the third and fourth lines and inserting in lieu thereof "District Court".

183. Subsection 180 (3) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Action for damages

(3) Notwithstanding subsections (1) and (2), when an action is brought within the time limited by this Act for the recovery of damages occasioned by a motor vehicle and a counterclaim, crossclaim or third or subsequent party claim is commenced by a defendant in respect of damages occasioned in the same

accident, the lapse of time herein limited is not a bar to the counterclaim, crossclaim or third or subsequent party claim.

184.—(1) The *Interpretation Act*, being chapter 219 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

DEATH OF SOVEREIGN

Death of Sovereign

19a. Where a reigning Sovereign dies, no rule or construction of law shall be applied so as to prevent the continuation of any matter under the successor to the Crown as if the death had not occurred.

(2) Sections 28 and 29 of the said Act are repealed.

(3) Paragraph 31 of section 30 of the said Act is amended by striking out "*Judicature Act*" in the second line and inserting in lieu thereof "*Courts of Justice Act, 1984*".

(4) Section 31 of the said Act is amended by striking out "*Judicature Act*" in the first line and inserting in lieu thereof "*Courts of Justice Act, 1984*".

185. Clause 1 (c) of the *Interprovincial Subpoenas Act*, being chapter 220 of the Revised Statutes of Ontario, 1980, is amended by striking out "or hearing" in the fourth line and inserting in lieu thereof "hearing or examination".

186. The *Judges' Orders Enforcement Act*, being chapter 222 of the Revised Statutes of Ontario, 1980, is repealed.

187.—(1) The *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, the *Judicature Amendment Act, 1981*, being chapter 23, the *Judicature Amendment Act, 1983*, being chapter 3, section 1 of the *Provincial Judges and Masters Statute Law Amendment Act, 1983*, being chapter 78, subsection 106 (1) of *The Judicature Act*, being chapter 100 of the *Revised Statutes of Ontario*, 1937 and subsection 3 (1) of *The Judicature Amendment Act, 1941*, being chapter 24, are repealed .

Suitors Fee Fund Account abolished

(2) The Suitors Fee Fund Account is abolished and all money in the account shall be paid into the Consolidated Revenue Fund.

188. Section 11 of the *Judicial Review Procedure Act*, being chapter 224 of the Revised Statutes of Ontario, 1980, is repealed.

189.—(1) Subclause 5 (1) (a) (ii) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 8 (2) of the said Act is amended by striking out "is designated in a county or district under section 130 of the *Judicature Act*" in the first and second lines and inserting in lieu thereof "is a designated court under clause 136 (1) (a) of the *Courts of Justice Act, 1984*".

(3) Subsection 11 (1) of the said Act is amended by striking out "the jury roll for the nearest preceding year" in the fourth and fifth lines and inserting in lieu thereof "the jury rolls for the three nearest preceding years".

(4) Subsection 12 (1) of the said Act is amended by striking out "or of the court of general sessions of the peace" in the fourth and fifth lines.

(5) Section 12 of the said Act is amended by adding thereto the following subsection:

Joint issuance for Supreme and District Courts

(1a) Where the sittings of the Supreme Court and the District Court are to be held at the same time in the same county or district, a precept under subsection (1) may be issued jointly by a judge of the Supreme Court and a judge of the District Court.

(6) Subsection 14 (2) of the said Act is amended by striking out "or court of general sessions of the peace" in the third line.

(7) Sections 15 and 20 of the said Act are repealed.

(8) Subsection 21 (1) of the said Act is amended by striking out "registered" in the second line and inserting in lieu thereof "ordinary".

(9) Subsection 23 (4) of the said Act is amended by striking out "of the Supreme Court for the trial of criminal matters and proceedings, or in the case of a sittings of the court of general sessions of the peace" in the first, second and third lines and inserting in lieu thereof "for the hearing of criminal proceedings".

(10) Subsection 24 (2) of the said Act is amended by striking out "or the court of general sessions of the peace, or both" in the third and fourth lines.

(11) Subsection 26 (1) of the said Act is amended by striking out "or court of general sessions of the peace" in the fourth and fifth lines.

(12) Section 28 of the said Act is amended by striking out "courts of general sessions of the peace and of" in the sixth line.

(13) Section 35 of the said Act is amended by striking out "court of general sessions of the peace, and of the" in the second line.

(14) Clause 39 (1) (a) of the said Act is amended by striking out "the court of general sessions of the peace or of" in the second line.

(15) Subsection 42 (2) of the said Act is amended by striking out "or clerk of the peace" in the first line.

(16) Clause 43 (d) of the said Act is amended by striking out "clerk of the peace" in the first line.

(17) Section 46 of the said Act is amended by striking out "and the court of general sessions of the peace" in the second and third lines.

190. **Subsection 135 (1) of the *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, is repealed.**

191.—(1) Section 11 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.

(2) The said Act is amended by adding thereto the following section:

Plaintiff's character or circumstances of publication

22a. In an action for libel or slander, where the statement of defence does not assert the truth of the statement complained of, the defendant may not give evidence in chief at trial, in mitigation of damages, concerning the plaintiff's character or the circumstances of publication of the statement, except,

(a) where the defendant provides particulars to the plaintiff of the matters on which he intends to give evidence, in the statement of defence or in a notice served at least seven days before trial; or

(b) with leave of the court.

192. Clause 1 (a) of the *Marine Insurance Act*, being chapter 255 of the Revised Statutes of Ontario, 1980, is repealed.

193. The *Matrimonial Causes Act*, being chapter 258 of the Revised Statutes of Ontario, 1980, is repealed.

194. Section 45 of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed.

195.—(1) Section 6 of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is amended by striking out "the confirmation of" in the fourth and fifth lines and by striking out "confirmation" in the fifth and sixth lines and inserting in lieu thereof "propounding".

(2) Subsection 12 (1) of the said Act is amended by striking out the words following clause (c) in the eleventh, twelfth, thirteenth and fourteenth lines.

(3) Subsection 12 (2) of the said Act is repealed.

(4) Subsection 12 (3) of the said Act is amended by striking out "and any such appointment need not be confirmed" in the fourth line.

(5) Section 38 of the said Act is repealed.

196.—(1) Subsection 41 (2) of the *Mortgages Act*, being chapter 296 of the Revised Statutes of Ontario, 1980, is amended by striking out "the clerk of the county or district court, or by the local master of" in the fifth and sixth lines and inserting in lieu thereof "an assessment officer in".

(2) Subsection 41 (4) of the said Act is amended by striking out "one of the taxing officers of the Supreme Court at Toronto or by a local master having jurisdiction in the county or district in which the mortgaged property or any part of it is situate" in the third, fourth, fifth and sixth lines and inserting in lieu thereof "an assessment officer".

197. Section 13 of the *Municipal Arbitrations Act*, being chapter 304 of the Revised Statutes of Ontario, 1980, is repealed.

198. Section 1 of the *Negligence Act*, being chapter 315 of the Revised Statutes of Ontario, 1980, is repealed.

199. Subsections 95 (1), (2) and (3) of the *Ontario Municipal Board Act*, being chapter 347 of the Revised Statutes of

Ontario, 1980, are repealed and the following substituted therefor:

Appeal

(1) Subject to the provisions of Part IV, an appeal lies from the Board to the Divisional Court, with leave of the Divisional Court, on a question of law.

200.—(1) Subsection 3 (1) of the *Partition Act*, being chapter 369 of the Revised Statutes of Ontario, 1980, is amended by striking out "appointed by a surrogate court" in the second line and by striking out "take proceedings" in the third line and inserting in lieu thereof "bring an action or make an application".

(2) Subsection 4 (1) of the said Act is amended by striking out "application" in the fourth line and inserting in lieu thereof "motion".

(3) Subsection 4 (3) of the said Act is amended by striking out "application" in the third line and inserting in lieu thereof "motion".

(4) Subsection 5 (1) of the said Act is amended by striking out "an action or proceeding" in the first line and in the second line and inserting in lieu thereof in each instance "a proceeding".

(5) Subsection 7 (1) of the said Act is amended by striking out "proceedings under this Act are" in the first line and inserting in lieu thereof "an application under this Act is".

201. Section 44 of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is repealed.

202. Subsections 3 (1), (2) and (7), subsection 6 (1), section 7, subsection 12 (2) and sections 50 and 53 of the *Private Sanitaria Act*, being chapter 391 of the Revised Statutes of Ontario, 1980, are amended by striking out "clerk of the peace" in each instance where it occurs and inserting in lieu thereof "Crown attorney".

203.—(1) Section 3 of the *Proceedings Against the Crown Act*, being chapter 393 of the Revised Statutes of Ontario, 1980, is amended by striking out "Except as provided in section 29" in the first line.

(2) Section 14 of the said Act is repealed and the following substituted therefor:

14. In proceedings under this Act, a document to be served personally on the Crown shall be served by leaving a copy of the document with a solicitor in the Crown Law Office (Civil Law) of the Ministry of the Attorney General. Service on the Crown

(3) Section 26 of the said Act is repealed and the following substituted therefor:

26. The Treasurer of Ontario shall pay out of the Consolidated Revenue Fund the amount payable by the Crown under an order of a court that is final and not subject to appeal or under a settlement of a proceeding in a court. Payment by Crown

204.—(1) The title to the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

JUVENILE OBSERVATION AND DETENTION HOMES ACT

(2) Section 31 of the said Act is amended by striking out "a provincial court (family division)" in the first and second lines and inserting in lieu thereof "the Provincial Court (Family Division) or the Unified Family Court".

(3) Sections 1 to 26, sections 32 and 33 and clauses 34 (1) (a), (b), (c), (d), (e), (f), (l) and (m) of the said Act are repealed.

(4) The following are repealed:

1. **The *Provincial Courts Amendment Act, 1982*, being chapter 22.**

2. **The *Provincial Courts Amendment Act, 1983 (No. 2)*, being chapter 85.**

3. **Section 2 of the *Provincial Offences Statute Law Amendment Act, 1983*, being chapter 80.**

4. **Section 2 of the *Provincial Judges and Masters Statute Law Amendment Act, 1983*, being chapter 78.**

205. The *Provincial Court (Civil Division) Act*, being chapter 397 of the Revised Statutes of Ontario, 1980 and the *Provincial Court (Civil Division) Project Amendment Act, 1982*, being chapter 58, are repealed.

206.—(1) Subsection 76 (1) of the *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, is

amended by inserting after "prescribed" in the second line "by or under any Act".

(2) Section 114 of the said Act is amended by adding thereto the following subsection:

Appeal as to leave

(3) No appeal or review lies from a decision on a motion for leave to appeal under subsection (1).

(3) Section 122 of the said Act is amended by adding thereto the following subsection:

Appeal as to leave

(4) No appeal or review lies from a decision on a motion for leave to appeal under subsection (1).

207. The *Public Officers' Fees Act*, being chapter 416 of the Revised Statutes of Ontario, 1980, is repealed.

208. The *Quieting Titles Act*, being chapter 427 of the Revised Statutes of Ontario, 1980, is repealed.

209. Section 7 of the *Reciprocal Enforcement of Judgments Act*, being chapter 432 of the Revised Statutes of Ontario, 1980, is repealed.

210. The *Replevin Act*, being chapter 449 of the Revised Statutes of Ontario, 1980, is repealed.

211. Clause 1 (1) (a) of the *Sale of Goods Act*, being chapter 462 of the Revised Statutes of Ontario, 1980, is repealed.

212.—(1) Sections 1 and 2 of the *Sheriffs Act*, being chapter 470 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Sheriffs

1.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a sheriff for each county and district and additional sheriffs for such counties and districts as are indicated in the appointment.

Deputy sheriffs

(2) With the approval of the Attorney General, every sheriff may appoint in writing a deputy sheriff who may exercise and perform all the powers and duties of the sheriff.

Enforcement of court orders

2. Except where a statute provides otherwise, orders of a court enforceable in Ontario shall be directed to the sheriff for enforcement.

(2) Subsection 11 (3) of the said Act is repealed.

(3) Section 12 of the said Act is repealed and the following substituted therefor:

12. Every sheriff's office shall be open for business on the days and during the hours that court offices are required to be open under the Rules of Civil Procedure. Office hours

(4) Section 17 of the said Act is amended by striking out "the court of general sessions of the peace" in the third line.

(5) Section 21 of the said Act is repealed.

213. The *Small Claims Courts Act*, being chapter 476 of the Revised Statutes of Ontario, 1980 and the *Small Claims Courts Amendment Act*, 1983, being chapter 22, are repealed.

214.—(1) Subsection 6 (5) of the *Solicitors Act*, being chapter 478 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(5) The amount certified to be due shall be paid by the party liable to pay the amount, forthwith after confirmation of the certificate in the same manner as confirmation of a referee's report under the Rules of Civil Procedure. When payment due

(2) Section 6 of the said Act is amended by adding thereto the following subsection:

(10) A motion to oppose confirmation of the certificate shall be made to a judge of the High Court. Motion to oppose confirmation

(3) The said Act is amended by adding thereto the following section:

6a.—(1) Upon assessment between a solicitor and his client, the assessment officer may allow the costs of steps taken in proceedings that were in fact unnecessary where he is of the opinion that the steps were taken by the solicitor because, in his judgment, reasonably exercised, they were conducive to the interests of his client, and may allow the costs of steps that were not calculated to advance the interests of the client where the steps were taken by the desire of the client after being informed by his solicitor that they were unnecessary and not calculated to advance his interests. Costs of unnecessary steps in proceedings

(2) Subsection (1) does not apply to solicitor and client costs payable out of a fund not wholly belonging to the client, or by a third party. Application

(4) Section 14 of the said Act is repealed.

(5) Subsection 35 (3) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 21, is amended by striking out "by section 36 of the *Judicature Act*" in the second and third lines and inserting in lieu thereof "for the purpose of section 138 of the *Courts of Justice Act, 1984*".

(6) The said Act is further amended by adding thereto the following section:

SOLICITORS' CHARGING ORDERS

Charge on property for costs

35a.—(1) Where a solicitor has been employed to prosecute or defend a proceeding in the Supreme Court or the District Court, the court may, on motion, declare the solicitor to be entitled to a charge on the property recovered or preserved through the instrumentality of the solicitor for the solicitor's fees, costs, charges and disbursements in the proceeding.

Conveyance to defeat is void

(2) A conveyance made to defeat or which may operate to defeat a charge under subsection (1) is, unless made to a person who purchased the property for value in good faith and without notice of the charge, void as against the charge.

Assessment and recovery

(3) The court may order that the solicitor's bill for services be assessed in accordance with this Act and that payment shall be made out of the charged property.

(7) Subsection (5) does not apply to bills delivered or overpayments made before this Act comes into force.

215.—(1) Section 3 of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Section 6 of the said Act is amended by striking out "$100" in the fourth line and inserting in lieu thereof "$10,000".

(3) Section 7 of the said Act is amended by striking out "and, except as herein otherwise provided and subject to the surrogate court rules in contentious matters, the practice and procedure of" in the first, second, third and fourth lines.

(4) Section 10 of the said Act is repealed.

(5) Subsections 12 (1) and (2) of the said Act are repealed and the following substituted therefor:

Registrars

(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a registrar of the surrogate court for each county and district and additional registrars for such counties and districts as are indicated in the appointment.

Deputy registrars

(2) With the approval of the Attorney General, every surrogate court registrar may appoint in writing a deputy surrogate court registrar who may exercise and perform all the powers and duties of the surrogate court registrar.

(6) Sections 13, 16 and 19 of the said Act are repealed.

(7) Section 80 of the said Act is repealed and the following substituted therefor:

Rules

80.—(1) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Supreme and District Courts may make rules for the surrogate courts in relation to the practice and procedure of the courts and may make rules for such courts, even though they alter or conform to the substantive law, in relation to,

(a) conduct of proceedings in the courts;

(b) joinder of claims and parties;

(c) commencement of proceedings and service of process in or outside Ontario;

(d) duties of registrars and other officers;

(e) costs of proceedings, including security for costs;

(f) any matter that is referred to in an Act as provided for by rules of court.

Idem

(2) Nothing in subsection (1) authorizes the making of rules that conflict with an Act, but rules may be made under subsection (1) supplementing the provisions of an Act in respect of practice and procedure.

Application of Rules of Civil Procedure

(3) The Rules of Civil Procedure apply to surrogate courts, except in so far as the rules of the surrogate courts otherwise provide.

216.—(1) Subsection 37 (7) of the *Trustee Act*, being chapter 512 of the Revised Statutes of Ontario, 1980, is amended by striking out "Registrar of the Supreme Court" in the second

line and inserting in lieu thereof "Surrogate Clerk for Ontario".

(2) Subsection 37 (8) of the said Act is amended by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario".

(3) Subsections 38 (3), (4), (5) and (6) of the said Act are repealed.

217. The *Unified Family Court Act*, being chapter 515 of the Revised Statutes of Ontario, 1980, section 5 of the *Children's Law Reform Amendment Act, 1982*, being chapter 20, the *Unified Family Court Amendment Act, 1982*, being chapter 21, section 3 of the *Provincial Offences Statute Law Amendment Act, 1983*, being chapter 80 and the *Unified Family Court Amendment Act, 1983*, being chapter 86, are repealed.

218. The *Vexatious Proceedings Act*, being chapter 523 of the Revised Statutes of Ontario, 1980, is repealed.

219. Clause 1 (a) of the *Warehouse Receipts Act*, being chapter 528 of the Revised Statutes of Ontario, 1980, is repealed.

220. Section 39 of the *Woodmen's Lien for Wages Act*, being chapter 537 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement

221. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

222. The short title of this Act is the *Courts of Justice Act, 1984*.

CHAPTER 12

An Act to revise the Architects Act

Assented to May 1st, 1984

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Academic Requirements Committee" means the Academic Requirements Committee appointed pursuant to the regulations;

(b) "architect" means the holder of a licence, a certificate of practice or a temporary licence;

(c) "architectural services" means services that are part of or are related to the practice of architecture;

(d) "Association" means Ontario Association of Architects;

(e) "building" means a structure consisting of a wall, roof and floor, or any one or more of them;

(f) "by-laws" means by-laws made under this Act;

(g) "certificate of practice" means certificate of practice to engage in the practice of architecture issued under this Act;

(h) "Complaints Review Councillor" means the Complaints Review Councillor appointed under this Act;

(i) "construction" means the doing of anything in the erection, installation, extension or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and, "constructed" has a corresponding meaning;

(j) "Council" means Council of the Association;

(k) "design" means a plan, sketch, drawing, graphic representation or specification intended to govern the construction, enlargement or alteration of a building or a part of a building;

(l) "Experience Requirements Committee" means the Experience Requirements Committee appointed pursuant to the regulations;

(m) "general certificate of authorization" means general certificate of authorization to provide services that

are within the practice of professional engineering, issued under the *Professional Engineers Act, 1984*; 1984, c. 13

(n) "general review", in relation to the construction, enlargement or alteration of a building, means an examination of the building to determine whether the construction, enlargement or alteration is in general conformity with the design governing the construction, enlargement or alteration, and reporting thereon;

(o) "graphic representation" means a representation produced by electrical, electronic, photographic or printing methods and includes a representation produced on a video display terminal;

(p) "Joint Practice Board" means the Joint Practice Board under this Act;

(q) "licence" means licence to engage in the practice of architecture issued under this Act;

(r) "Minister" means the Attorney General or such other member of the Executive Council as is designated by the Lieutenant Governor in Council;

(s) "practice of architecture" means,

(i) the preparation or provision of a design to govern the construction, enlargement or alteration of a building,

(ii) evaluating, advising on or reporting on the construction, enlargement or alteration of a building, or

(iii) a general review of the construction, enlargement or alteration of a building;

(t) "professional engineer" means a person who holds a licence or a temporary licence under the *Professional Engineers Act, 1984*; 1984, c. 13

(u) "Registrar" means Registrar of the Association;

(v) "regulations" means regulations made under this Act;

(w) "temporary licence" means temporary licence to engage in the practice of architecture issued under this Act.

Association

2.—(1) The Ontario Association of Architects, a body corporate, is continued as a corporation without share capital.

Principal object

(2) The principal object of the Association is to regulate the practice of architecture and to govern its members, holders of certificates of practice and holders of temporary licences in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

Additional objects

(3) For the purpose of carrying out its principal object, the Association has the following additional objects:

1. To establish, maintain and develop standards of knowledge and skill among its members.

2. To establish, maintain and develop standards of qualification and standards of practice for the practice of architecture.

3. To establish, maintain and develop standards of professional ethics among its members.

4. To establish and maintain or to assist in the establishment and maintenance of classes, schools, exhibitions or lectures in, and to promote public appreciation of, architecture and the allied arts and sciences.

5. To perform such other duties and exercise such other powers as are imposed or conferred on the Association by or under any Act.

Capacity and powers of Association

(4) For the purpose of carrying out its objects, the Association has the capacity and the powers of a natural person.

Council

3.—(1) The Council of the Association is continued and shall be the governing body and board of directors of the Association and shall manage and administer its affairs.

Composition of Council

(2) The Council shall be composed of,

(a) not fewer than twelve and not more than twenty persons who are members of the Association and who are elected by the members of the Association as provided by the regulations;

(b) not fewer than three and not more than five persons who are not members of the governing body of a self-regulating licensing body under any other Act or licensed under this Act and who are appointed by the Lieutenant Governor in Council; and

(c) the immediate past president of the Council, if he is not an elected member of the Council.

Idem

(3) No person shall be elected or appointed to the Council unless he is a Canadian citizen resident in Ontario.

Remuneration of lay members

(4) The persons appointed under clause (2) (b) shall be paid, out of the moneys appropriated therefor by the Legislature, such expenses and remuneration as is determined by the Lieutenant Governor in Council.

Term of office, first appointed members

(5) On the first appointment of persons to the Council by the Lieutenant Governor in Council,

(a) one-third, or as near thereto as possible, shall be appointed for a one year term;

(b) one-third, or as near thereto as possible, shall be appointed for a two year term; and

(c) the remainder shall be appointed for a three year term.

Term of office, appointed members

(6) In each year after the first appointments, the persons to be appointed by the Lieutenant Governor in Council shall be appointed for one year, two year or three year terms in order that one-third or as near thereto as possible, shall be appointed in each year.

Qualifications to vote

(7) Every member of the Association who is not in default of payment of the annual fee prescribed by the by-laws is qualified to vote at an election of members of the Council.

Officers

(8) The Council shall elect a president, a treasurer and one or more vice-presidents from among its elected members.

Registrar and staff

(9) The Council shall appoint during pleasure a Registrar and may appoint one or more deputy registrars who shall have the powers of the Registrar for the purposes of this Act, and may appoint such other persons as are from time to time necessary or desirable in the opinion of the Council to perform the work of the Association.

Quorum

(10) A majority of the members of the Council constitutes a quorum.

Vacancies

(11) Where one or more vacancies occur in the membership of the Council, the members remaining in office constitute the Council so long as their number is not fewer than a quorum.

Filling of vacancy

(12) A vacancy on the Council caused by the death, resignation, removal or incapacity to act of an elected member of the Council shall be filled by a member of the Association,

(a) where a quorum of the Council remains in office, appointed by the majority of the Council, and the member so appointed shall be deemed to be an elected member of the Council; or

(b) where no quorum of the Council remains in office, elected in accordance with the regulations,

and the member so appointed or elected shall hold office for the unexpired portion of the term of office of the member whose office he is elected or appointed to fill.

Meetings of Council

(13) The Council shall meet at least four times a year.

Continuation of Council members

(14) The members of the Council who were in office immediately before the coming into force of this Act are continued in office until the expiration of their terms or until their offices otherwise become vacant.

Annual meetings

4.—(1) The Association shall hold an annual meeting of the members of the Association not more than fifteen months after the holding of the last preceding annual meeting.

Proxies

(2) A member of the Association entitled to vote at a meeting of members of the Association may, by means of a proxy, appoint a member as his nominee, to attend and act at the meeting in the manner, to the extent and with the power conferred by the proxy.

Membership

5.—(1) Every person licensed by the Association is a member of the Association, subject to any term, condition or limitation to which the licence is subject.

Resignation of membership

(2) A member may resign his membership by filing with the Registrar his resignation in writing and his licence is thereupon cancelled, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of his professional conduct while a member.

Powers of Minister

6. In addition to his other powers and duties under this Act, the Minister may,

(a) review the activities of the Council;

(b) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;

(c) advise the Council with respect to the implementation of this Act and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures.

Regulations

7.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

1. fixing the number of members to be elected to the Council under clause 3 (2) (a) and defining constituencies, and prescribing the number of representatives of each constituency;

2. respecting and governing the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, and controverted elections;

3. prescribing the conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;

4. providing for the election of a president, vice-presidents and a treasurer from among the elected members of the Council;

5. respecting the composition of the committees required by this Act, other than the Complaints Committee and the Discipline Committee, the mechanism of the appointment of members of the committees and procedures ancillary to those specified in this Act in respect of any committee;

6. respecting matters of practice and procedure before committees required under this Act not inconsistent with this Act and the *Statutory Powers Procedure Act*; R.S.O. 1980, c. 484

7. prescribing the quorums of the committees required by this Act, except the Complaints Committee and the Discipline Committee;

8. prescribing classes of persons whose interests are related to those of the Association and the privileges of persons in the classes in relation to the Association;

9. respecting any matter ancillary to the provisions of this Act with regard to the issuing, suspension and revocation of licences, certificates of practice and temporary licences, and the requirements and qualifications therefor, including but not limited to regulations respecting,

   i. the scope, standards and conduct of any examination or courses of study set or approved by the Council as a licensing requirement,

   ii. the curricula and standards of professional training programs and courses of study offered by the Council,

   iii. the academic, experience and other requirements for admission into professional training programs and courses of study, and

   iv. the academic and experience requirements for the issuance of a licence;

10. prescribing terms and conditions of licences, certificates of practice and temporary licences;

11. prescribing forms of applications for licences, certificates of practice and temporary licences and requiring their use;

12. for the purposes of section 21, prescribing a proportion greater than 10 per cent of the shares of corporations that engage in the practice of architecture;

13. requiring the making of returns of information in respect of the holdings of shares and the officers and directors of corporations that apply for or hold certificates of practice and in respect of the interests of partners that apply for or hold certificates of

practice, and prescribing and requiring the use of forms of such returns;

14. requiring and governing the signing and sealing of documents and designs by members of the Association and holders of temporary licences, specifying the forms of seals and respecting the issuance and ownership of seals;

15. requiring the making of returns of information by members of the Association and holders of certificates of practice and temporary licences in respect of names, addresses, telephone numbers, associates, partners, employees and professional liability insurance, and prescribing and requiring the use of forms of such returns;

16. governing the use of names and designations in the practice of architecture by members of the Association and holders of certificates of practice and temporary licences;

17. providing for the maintenance and inspection of registers of persons permitted to engage in the practice of architecture;

18. prescribing and governing standards of practice and performance standards for the profession;

19. respecting the advertising of the practice of architecture;

20. prescribing a code of ethics;

21. defining professional misconduct for the purposes of this Act;

22. defining classes of specialists among members and holders of certificates of practice and temporary licences, prescribing the qualifications required, providing for the suspension or revocation of any such designation and for the regulation and prohibition of the use of terms, titles or designations indicating specialization by a member or a holder of a certificate of practice or a temporary licence in the practice of architecture;

23. providing for inspection programs related to the practice of architecture, including programs for the inspection of records, other than financial records,

of members of the Association, holders of certificates of practice and holders of temporary licences, but such a program does not authorize inspection of records of a holder of a certificate of practice or temporary licence who is also a holder of a general certificate of authorization unless the inspection of the records, other than financial records, is recommended by the Joint Practice Board;

24. providing for the compilation of statistical data on the supply, distribution and professional activities of members of the Association and holders of temporary licences and professional activities related to the practice of architecture of holders of certificates of practice and on remuneration for the practice of architecture and requiring members of the Association and holders of certificates of practice and temporary licences to provide the information necessary to compile such statistics, but persons engaged in the administration of this Act shall maintain secret the names of persons providing the information as a matter that comes to their knowledge in the course of their duties under this Act;

25. requiring members, holders of certificates of practice or holders of temporary licences, or all of them, to obtain and to maintain insurance against liability that may be incurred in the practice of architecture, respecting the terms and conditions and prescribing the minimum amounts of such insurance, requiring such members and holders to provide to the Registrar proof of the insurance coverage, and respecting the form of the proof and the times when the proof shall be provided;

26. exempting any class of members, holders of certificates of practice or holders of temporary licences from the requirement to be insured in respect of professional liability, and classifying members, holders of certificates of practice or holders of temporary licences for the purpose of such exemption;

27. prohibiting or regulating the practice of architecture where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;

28. providing for a program of continuing education of members of the Association;

29. respecting the duties and authority of the Registrar;

30. prescribing qualifications and requirements that shall be complied with to obtain the reinstatement of a licence, certificate of practice or temporary licence that was cancelled by the Registrar;

31. classifying and exempting any class of holders of licences, certificates of practice or temporary licences from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable;

32. specifying acts within the practice of architecture that are exempt from the application of this Act when performed or provided by a member of a prescribed class of persons, and prescribing classes of persons for the purpose of the exemption.

Distribution of regulations

(2) A copy of each regulation made under subsection (1),

(a) shall be forwarded to each member of the Association and to each holder of a certificate of practice or temporary licence; and

(b) shall be available for public inspection in the office of the Association.

By-laws

8.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the Association not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

1. prescribing the seal of the Association;

2. providing for the execution of documents by the Association;

3. respecting banking and finance;

4. fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;

5. respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;

6. respecting the form and content of proxies, the deposit of proxies with the Association and the manner and proof of revocation of proxies;

7. providing for meetings of the Council and committees, except in a proceeding in respect of a licence, certificate of practice or temporary licence, by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a member of the Council or committee participating in a meeting in accordance with such by-law shall be deemed to be present in person at the meeting;

8. providing that the Council or a committee may act upon a resolution consented to by the signatures of all members of the Council or the committee except in a proceeding in respect of a licence, certificate of practice or temporary licence, and a resolution so consented to in accordance with such a by-law is as valid and effective as if passed at a meeting of the Council or the committee duly called, constituted and held for that purpose;

9. respecting the calling, holding and conducting of meetings of the membership of the Association;

10. prescribing the remuneration of the members of the Council and committees, other than persons appointed by the Lieutenant Governor in Council, and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;

11. prescribing the duties of officers of the Association;

12. providing for the appointment of inspectors for the purposes of this Act;

13. prescribing forms and providing for their use;

14. providing procedures for the making, amending and revoking of the by-laws;

15. respecting management of the property of the Association;

16. providing for the appointment, composition, powers and duties of additional or special committees;

17. respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;

18. respecting the borrowing of money by the Association and the giving of security therefor;

19. respecting membership of the Association in other organizations, the payment of annual assessments and provision for representatives at meetings;

20. providing for the establishment and dissolution and governing the operation of groups of members as societies of the Association and respecting grants by the Association to societies or any of them;

21. authorizing the making of grants for any purpose that may tend to advance knowledge of architectural education, or maintain or improve the standards of practice in architecture or support and encourage public information and interest in the role of architecture in society;

22. respecting scholarships, bursaries and prizes related to the study of architecture;

23. prescribing the amounts of and requiring the payment of annual fees by members of the Association and holders of certificates of practice and temporary licences and by students and members of related classes recognized by the Association, and fees for licensing, temporary licences, certification, registration, examinations, courses of study, professional training programs and continuing education, including penalties for late payment, and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;

24. requiring the payment and remittance of premiums in connection with insurance against professional liability arranged by the Association for members of the Association, holders of certificates of practice and holders of temporary licences, and prescribing levies that shall be paid by members of the Association, holders of certificates of practice and holders of temporary licences in respect of professional liability;

25. providing for the establishment of group insurance plans, other than for professional liability, in which members of the Association may participate on a voluntary basis;

26. regarding such other matters as are entailed in carrying on the business of the Association and are not included in section 7.

Confirmation of by-laws

(2) A by-law is effective when it is passed by the Council but expires with the close of the next annual meeting of members of the Association held after its passing, unless it is confirmed by the meeting.

Distribution of by-laws

(3) A copy of the by-laws made under subsection (1) and amendments thereto,

(a) shall be forwarded to the Minister;

(b) shall be forwarded to each member; and

(c) shall be available for public inspection in the office of the Association.

Committees

9.—(1) The Council shall establish and appoint the following committees:

(a) Executive Committee;

(b) Academic Requirements Committee;

(c) Experience Requirements Committee;

(d) Registration Committee;

(e) Complaints Committee;

(f) Discipline Committee;

(g) Fees Mediation Committee,

and may establish such other committees as the Council from time to time considers necessary.

Vacancies

(2) Where one or more vacancies occur in the membership of a committee, the members remaining in office constitute the committee so long as their number is not fewer than a quorum of the committee.

Executive Committee

10.—(1) The Council may delegate to the Executive Committee the authority to exercise any power or perform any duty of the Council, other than to make, amend or revoke a regulation or a by-law.

Urgent matters

(2) Subject to ratification by the Council at its next ensuing meeting, the Executive Committee may take action upon any other matter that requires immediate attention between meetings of the Council, other than to make, amend or revoke a regulation or a by-law.

Who may engage in practice of architecture

11.—(1) No person shall engage in the practice of architecture or hold himself out as engaging in the practice of architecture unless,

(a) the person is licensed under this Act;

(b) the person is the holder of a certificate of practice or the person is doing so as a member of a partnership that holds a certificate of practice; or

(c) the person is the holder of a temporary licence under this Act.

Who may provide service to public

(2) No person shall provide to a member of the public a service that is part of the practice of architecture except under and in accordance with a certificate of practice or a temporary licence.

Exception

(3) Subsections (1) and (2) do not apply to,

(a) the preparation or provision of a design for the construction, enlargement or alteration of a building,

(i) that is not more than three storeys and not more than 600 square metres in gross area as constructed, enlarged or altered, and

(ii) that is used or intended for one or more of residential occupancy, business occupancy, personal services occupancy, mercantile occupancy or industrial occupancy;

(b) the preparation or provision of a design for the construction, enlargement or alteration of a building that is not more than three storeys and that is used or intended for residential occupancy and,

(i) that contains one dwelling unit or two attached dwelling units each of which is constructed directly on grade, or

(ii) that is not more than 600 square metres in building area as constructed, enlarged or altered and contains three or more attached dwelling units, each of which is constructed directly on grade, with no dwelling unit constructed above another dwelling unit;

(c) the preparation or provision of a design for the construction, enlargement or alteration of a building used directly in the extraction, processing or storage of ore from a mine;

(d) the preparation or provision, under the personal supervision and direction of a member of the Association or the holder of a temporary licence, of a design for the construction, enlargement or alteration of a building;

(e) the preparation or provision of a design for interior space for a building, including finishes, fixed or loose furnishings, equipment, fixtures and partitioning of space, and related exterior elements such as signs, finishes and glazed openings used for display purposes, that does not affect or is not likely to affect,

(i) the structural integrity,

(ii) a fire safety system or fire separation,

(iii) a main entrance or public corridor on a floor,

(iv) an exit to a public thoroughfare or to the exterior,

(v) the construction or location of an exterior wall, or

(vi) the usable floor space through the addition of a mezzanine, infill or other similar element,

of the building;

(f) the preparation or provision of a design for alterations within a dwelling unit that will not affect or are not likely to affect fire separations, firewalls,

the strength or safety of the building or the safety of persons in the building;

(g) the doing of an act that is within the practice of architecture but that is exempt from the application of this Act when performed or provided by a member of a class of persons prescribed by the regulations for the purpose of the exemption, if the act is done by a person who is a member of the class.

Idem

(4) The following rules govern the relationship between architects and professional engineers, and subsections (1) and (2) do not apply to prevent a professional engineer from preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building in accordance with these rules:

1. Only an architect may prepare or provide a design for the construction, enlargement or alteration of a building,

   i. used or intended for residential occupancy,

   ii. that exceeds 600 square metres in gross area, and

   iii. that does not exceed three storeys,

   and carry out the general review of the construction, enlargement or alteration of the building but an architect who prepares or provides such a design may engage a professional engineer to provide services within the practice of professional engineering in connection with the design and the professional engineer may provide the services.

2. An architect or a professional engineer may prepare or provide a design for the construction, enlargement or alteration of a building,

   i. that exceeds 600 square metres in gross area or three storeys, and

   ii. that is used or intended for,

      A. industrial occupancy, or

      B. mixed occupancy consisting of industrial occupancy and one or more other occupancies, where none of the other occu-

pancies exceeds 600 square metres of the gross area,

but only a professional engineer may provide services within the practice of professional engineering in connection with the design.

3. Subject to rules 4 and 5, an architect shall provide services that are within the practice of architecture and a professional engineer shall provide services that are within the practice of professional engineering related to the construction, enlargement or alteration of a building used or intended for,

i. assembly occupancy,

ii. institutional occupancy,

iii. business occupancy or personal services occupancy that exceeds 600 square metres in gross area or three storeys,

iv. mercantile occupancy that exceeds 600 square metres in gross area or three storeys,

v. residential occupancy that exceeds three storeys,

vi. mixed occupancy consisting of industrial occupancy and one or more other occupancies, where one of the other occupancies exceeds 600 square metres in gross area,

vii. mixed occupancy consisting of a combination of,

A. assembly occupancy and any other occupancy, except industrial occupancy,

B. institutional occupancy and any other occupancy, except industrial occupancy,

C. one or more of,

1. business occupancy,

2. personal services occupancy, or

3. mercantile occupancy,

and any other occupancy, except assembly occupancy, institutional occupancy or industrial occupancy,

where the building as constructed, enlarged or altered exceeds 600 square metres in gross area or three storeys,

D. residential occupancy that exceeds three storeys and any other occupancy, where the building as constructed, enlarged or altered exceeds 600 square metres in gross area, or

viii. any other occupancy where the building as constructed, enlarged or altered exceeds 600 square metres in gross area or three storeys,

but a professional engineer may provide a design for the industrial occupancy of a mixed occupancy described in subparagraph vi.

4. An architect may perform or provide services that are within the practice of professional engineering in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building described in rule 2 or 3 where to do so does not constitute a substantial part of the services within the practice of professional engineering related to the construction, enlargement or alteration of the building and is necessary,

i. for the construction, enlargement or alteration of the building and is incidental to other services provided as part of the practice of architecture by the architect in respect of the construction, enlargement or alteration of the building, or

ii. for co-ordination purposes.

5. A professional engineer may perform or provide services that are within the practice of architecture in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building described in rule 1 or 3 where to do so does not constitute a substantial part of the services within the practice of architec-

ture related to the construction, enlargement or alteration of the building and is necessary,

i. for the construction, enlargement or alteration of the building and is incidental to other services provided as part of the practice of professional engineering by the professional engineer in respect of the construction, enlargement or alteration of the building, or

ii. for co-ordination purposes.

6. Only an architect may carry out or provide the general review of the construction, enlargement or alteration of a building,

i. that is constructed, enlarged or altered in accordance with a design prepared or provided by an architect, or

ii. in relation to services that are provided by an architect in connection with the design in accordance with which the building is constructed, enlarged or altered.

7. Only a professional engineer may carry out or provide the general review of the construction, enlargement or alteration of a building,

i. that is constructed, enlarged or altered in accordance with a design prepared or provided by a professional engineer, or

ii. in relation to services that are provided by a professional engineer in connection with the design in accordance with which the building is constructed, enlarged or altered.

8. An architect or a professional engineer may act as prime consultant for the construction, enlargement or alteration of a building.

9. A reference in these rules to the provision of a design or services by a professional engineer applies equally to a holder of a certificate of authorization issued under the *Professional Engineers Act, 1984.*

1984, c. 13

Idem

(5) Subsections (1) and (2) do not apply to prevent a person from,

(a) evaluating, advising on or reporting on the construction, enlargement or alteration of a building that does not or is not intended to take the place of evaluating, advising or reporting required to be done by an architect; or

(b) carrying out a general review of the construction, enlargement or alteration of a building that does not or is not intended to take the place of a general review required to be done by an architect.

(6) In this section, Interpretation

(a) "assembly occupancy" means occupancy for gatherings of persons for civic, educational, political, recreational, religious, social, travel or other similar purpose, or for the consumption of food or drink;

(b) "building area" means the greatest horizontal area of a building within the outside surface of exterior walls or, where a firewall is to be constructed, within the outside surface of exterior walls and the centre line of firewalls;

(c) "business occupancy" means occupancy for the transaction of business;

(d) "dwelling unit" means a room or suite of rooms used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

(e) "fire separation" means a construction assembly that acts as a barrier against the spread of fire and that may or may not have a fire-resistance rating or a fire-protection rating;

(f) "firewall" means a type of fire separation of noncombustible construction that subdivides a building or separates adjoining buildings to resist the spread of fire and that has a fire-resistance rating prescribed in Ontario Regulation 583/83 (known as the Building Code), as amended from time to time, and has structural stability to remain intact under fire conditions for the fire-resistance time for which it is rated;

(g) "grade" means the lowest of the average levels of finished ground adjoining each exterior wall of a

building, but does not include localized depressions such as for vehicle or pedestrian entrances;

(h) "gross area" means the total area of all floors above grade measured between the outside surfaces of exterior walls or, where no access or building service penetrates a firewall, between the outside surfaces of exterior walls and the centre line of firewalls but in a residential occupancy where access or a building service penetrates a firewall, the measurement may be taken to the centre line of the firewall;

(i) "industrial occupancy" means occupancy for assembling, fabricating, manufacturing, processing, repairing or storing of goods or materials or for producing, converting, processing or storing of energy, waste or natural resources;

(j) "institutional occupancy" means occupancy for the harbouring, housing or detention of persons who require special care or treatment on account of their age or mental or physical limitations or who are involuntarily detained;

(k) "mercantile occupancy" means occupancy or use for displaying or selling retail goods, wares or merchandise;

(l) "personal services occupancy" means occupancy for the rendering or receiving of professional or personal services;

(m) "residential occupancy" means occupancy for providing sleeping accommodation for persons, but does not include institutional occupancy.

Proof of practice

(7) For the purposes of this section, proof of the performance of one act in the practice of architecture on one occasion is sufficient to establish engaging in the practice of architecture.

Corporation

12. A corporation that holds a subsisting certificate of practice may engage in the practice of architecture.

Issuance of licence

13.—(1) The Registrar shall issue a licence to a natural person who applies therefor in accordance with the regulations and,

(a) is of good character;

(b) is not less than eighteen years of age;

(c) is a citizen of Canada or has the status of a permanent resident of Canada or is a member of an organization of architects that is recognized by the Council and that has objects, standards of practice and requirements for membership similar to those of the Association;

(d) has complied with the academic and experience requirements specified in the regulations for the issuance of the licence or is exempted therefrom by the Council; and

(e) has passed such examinations and completed such courses of study as the Council may set or approve in accordance with the regulations or is exempted therefrom by the Council.

Grounds for refusal to issue licence

(2) The Registrar may refuse to issue a licence to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of architecture in accordance with the law and with honesty and integrity.

Referral to committee

(3) The Registrar, on his own initiative, may refer and on the request of an applicant shall refer the application of the applicant for the issuance of a licence,

(a) to the Academic Requirements Committee for a determination as to whether or not the applicant has met the academic requirements prescribed by the regulations for the issuance of the licence;

(b) to the Experience Requirements Committee for a determination as to whether or not the applicant has met the experience requirements prescribed by the regulations for the issuance of the licence; or

(c) first to the Academic Requirements Committee and then to the Experience Requirements Committee for determinations under clauses (a) and (b).

Determination by committee

(4) A determination by a committee under subsection (3) is final and is binding on the Registrar and on the applicant.

Hearing

(5) A committee shall receive written representations from an applicant but is not required to hold or to afford to any

person a hearing or an opportunity to make oral submissions before making a determination under subsection (3).

Notice of determination

(6) The Registrar shall give notice to the applicant of a determination by a committee under subsection (3) and, if the applicant is rejected, the notice shall detail the specific requirements that the applicant must meet.

Issuance of certificate of practice to corporation

14.—(1) The Registrar shall issue a certificate of practice to a corporation that applies therefor in accordance with the regulations if,

(a) a majority of the directors of the corporation is composed of,

(i) members of the Ontario Association of Architects, or

(ii) members of the Ontario Association of Architects and members of the Association of Professional Engineers of Ontario;

(b) a majority of each class of shares of the corporation is owned by and registered in the names of,

(i) members of the Ontario Association of Architects, or

(ii) members of the Ontario Association of Architects and members of the Association of Professional Engineers of Ontario,

and any other persons who own or in whose names shares of any class of shares of the corporation are registered are employees of the corporation who devote their full time to the work of the corporation;

(c) the primary function of the corporation is to engage in the practice of architecture; and

(d) at least one of the directors or full-time employees of the corporation is a member of the Association who will personally supervise and direct the practice of architecture by the corporation.

Idem

(2) The Registrar shall issue a certificate of practice to a corporation that applies therefor in accordance with the regulations if,

(a) the corporation holds a general certificate of authorization issued under the *Professional Engineers Act, 1984*; 1984, c. 13

(b) a majority of the directors of the corporation is composed of,

(i) members of the Association of Professional Engineers of Ontario, or

(ii) members of the Ontario Association of Architects and members of the Association of Professional Engineers of Ontario;

(c) a majority of each class of shares of the corporation is owned by and registered in the names of,

(i) members of the Association of Professional Engineers of Ontario, or

(ii) members of the Association of Professional Engineers of Ontario and members of the Ontario Association of Architects,

and any other persons who own or in whose names shares of any class of shares of the corporation are registered are employees of the corporation who devote their full time to the work of the corporation; and

(d) at least one of the directors or full-time employees of the corporation is a member of the Association who will personally supervise and direct the practice of architecture by the corporation.

Grounds for refusal to issue or for revocation of certificate of practice

(3) The Registrar may refuse to issue a certificate of practice to a corporation or may suspend or revoke a certificate of practice issued to a corporation where the Registrar is of the opinion, upon reasonable and probable grounds,

(a) that the corporation fails to comply with section 21; or

(b) that the corporation fails to comply with the requirements for the issuance of the certificate of practice set out in subsection (1) or (2).

Issuance of certificate of practice to partnership

15.—(1) The Registrar shall issue a certificate of practice to a partnership of members of the Association that applies therefor in accordance with the regulations and that proposes

to engage in or hold itself out as engaging in the practice of architecture.

Idem

(2) The Registrar shall issue a certificate of practice to a partnership of members of the Association of Professional Engineers of Ontario that applies therefor in accordance with the regulations and that,

(a) holds a general certificate of authorization; and

(b) employs at least one member of the Association who will personally supervise and direct the practice of architecture by the partnership.

Idem

(3) The Registrar shall issue a certificate of practice to a partnership of one or more members of the Ontario Association of Architects and one or more members of the Association of Professional Engineers of Ontario that holds a general certificate of authorization and that applies therefor in accordance with the regulations and that proposes to engage in or hold itself out as engaging in the practice of architecture.

Issuance of certificate of practice to partnership of corporations

16. The Registrar shall issue a certificate of practice to a partnership of corporations if one or more of the corporations holds a certificate of practice and each of the others, if any, holds a general certificate of authorization and meets the requirements of clauses 14 (2) (b) and (c).

Issuance of certificate of practice to member of Association

17.—(1) The Registrar shall issue a certificate of practice to a member of the Association who applies therefor in accordance with the regulations.

Refusal or revocation

(2) The Registrar may refuse to issue a certificate of practice to a member of the Association or may suspend or revoke a certificate of practice held by a member of the Association where the Registrar is of the opinion, upon reasonable and probable grounds, that the member has not engaged in the practice of architecture during the period of five years preceding the date of the refusal or revocation.

Issuance of certificate of practice to member of A.P.E.O.

18. The Registrar shall issue a certificate of practice to a member of the Association of Professional Engineers of Ontario who applies therefor in accordance with the regulations and who,

(a) holds a general certificate of authorization; and

(b) employs at least one member of the Association who will personally supervise and direct the practice

of architecture by the holder of the certificate of practice.

Issuance of licence or certificate of practice on direction of Council

19. The Registrar shall issue a licence or a certificate of practice upon a direction of the Council made in accordance with a recommendation by the Joint Practice Board.

Refusal or revocation of certificate of practice related to past conduct

20.—(1) The Registrar may refuse to issue a certificate of practice to a corporation, a partnership, a partnership of corporations or a natural person, or may suspend or revoke a certificate of practice, where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct,

(a) in the case of a corporation, of an officer, director or employee of the corporation;

(b) in the case of a partnership, of a member or employee of the partnership;

(c) in the case of a partnership of corporations, of a member or employee of the partnership or of an officer, director or employee of a member of the partnership; or

(d) in the case of a natural person, of the natural person,

affords grounds for belief that the corporation, partnership, partnership of corporations or natural person, as the case may be, will not engage in the practice of architecture in accordance with the law and with honesty and integrity.

Suspension of effect of certificate of practice

(2) A holder of a certificate of practice ceases to be entitled to offer to the public or to provide to the public services that are within the practice of architecture as soon as there is no member of the Association who personally supervises and directs the practice of architecture by the holder of the certificate of practice.

Notice to Registrar by holder of certificate of practice

(3) The holder of a certificate of practice must give notice to the Registrar when there ceases to be a member of the Association who personally supervises and directs the practice of architecture by the holder of the certificate of practice and when the holder of the certificate of practice designates another member of the Association to personally supervise and direct such practice of architecture.

Notice to Registrar by person in position of professional responsibility

(4) A member of the Association who ceases to personally supervise and direct the practice of architecture by a holder of

a certificate of practice as the person so designated by the holder of the certificate of practice shall give notice of the cessation forthwith to the Registrar.

Past conduct

(5) The Registrar may suspend or revoke a certificate of practice where the Registrar is of the opinion, upon reasonable and probable grounds,

(a) that the holder of the certificate of practice does not meet the requirements or the qualifications for the issuance of the certificate of practice set out in the regulations; or

(b) that there has been a breach of a condition of the certificate of practice.

Requirement re corporations

21.—(1) No corporation shall engage in the practice of architecture if a person who is not a member of the Association or of the Association of Professional Engineers of Ontario,

(a) beneficially owns, directly or indirectly;

(b) exercises control or direction over; or

(c) beneficially owns, directly or indirectly, shares of any class of shares of the corporation and, together with another shareholder or other shareholders associated with the person, exercises control or direction over,

more than 10 per cent or such greater proportion as may be prescribed by regulation of the total number of issued and outstanding shares of any class of shares of the corporation.

Interpretation

(2) For the purposes of this section,

(a) where a share is owned jointly and one of the joint owners is a person who is not a member of the Association or of the Association of Professional Engineers of Ontario, the share shall be deemed to be owned by the person;

(b) each share that carries the right to more than one vote shall be calculated as the number of shares equal to the total number of votes carried by the share;

(c) a shareholder shall be deemed to be associated with another shareholder where,

(i) one shareholder is a corporation of which the other shareholder is an officer or director,

(ii) one shareholder is a partnership of which the other shareholder is a partner,

(iii) one shareholder is a corporation that is controlled, directly or indirectly, by the other shareholder,

(iv) both shareholders are corporations and one shareholder is controlled, directly or indirectly, by the same individual or corporation that controls, directly or indirectly, the other shareholder,

(v) both shareholders are members of a voting trust, where the trust relates to shares of a corporation, or

(vi) both shareholders are associated within the meaning of subclauses (i) to (v) with the same shareholder;

(d) a corporation shall be deemed to be controlled by another person or corporation or by two or more corporations where,

(i) shares of the first-mentioned corporation carrying, either under all circumstances or under circumstances that have occurred and are continuing, 50 per cent of the votes for the election of directors, otherwise than by way of security only, by or for the benefit of the other person or corporation or by or for the benefit of the other corporations, and

(ii) the votes carried by the shares are sufficient, if exercised, to elect a majority of the directors of the first-mentioned corporation.

Supervision by architect

22.—(1) It is a condition of every certificate of practice held by a corporation, a partnership or a partnership of corporations that the holder of the certificate of practice shall provide services that are within the practice of architecture only under the personal supervision and direction of a member of the Association who is,

(a) in the case of a corporation, an officer, director or full-time employee of the corporation;

(b) in the case of a partnership, a member or full-time employee of the partnership; or

(c) in the case of a partnership of corporations, an officer, director or full-time employee of a member of the partnership or a full-time employee of the partnership.

Professional responsibility of supervising architect

(2) A member of the Association who personally supervises and directs the practice of architecture by a holder of a certificate of practice is subject to the same standards of professional conduct and competence in respect of such practice of architecture as if the member personally engaged in the practice of architecture.

Limited certificate of practice

23.—(1) The Registrar shall issue a certificate of practice,

(a) to a corporation incorporated under the laws of a jurisdiction other than Ontario;

(b) to a partnership of corporations incorporated under the laws of a jurisdiction other than Ontario; or

(c) to a partnership formed under the laws of a jurisdiction other than Ontario,

if the corporation, partnership of corporations or partnership is licensed or authorized to practise architecture by the jurisdiction other than Ontario, applies in accordance with the regulations and meets the requirements and qualifications set out in the regulations for the issuance of the certificate of practice.

Conditions

(2) Every certificate of practice issued under subsection (1) is subject to the conditions prescribed by the regulations.

Limitation

(3) A certificate of practice issued under subsection (1) is not valid except in respect of the architectural project described in the certificate of practice.

Application of ss. 21, 22

(4) Sections 21 and 22 do not apply to a corporation, partnership of corporations or partnership that is issued a certificate of practice under subsection (1).

Temporary licence

24.—(1) The Registrar shall issue a temporary licence to a natural person who applies therefor in accordance with the regulations and who meets the requirements and qualifications for the issuance of the temporary licence set out in the regulations, whether or not the applicant is a Canadian citizen or has the status of a permanent resident of Canada.

Grounds for refusal, suspension or revocation

(2) The Registrar may refuse to issue or may suspend or revoke a temporary licence where the Registrar is of the opinion, upon reasonable and probable grounds,

(a) that the past conduct of the applicant for or the holder of the temporary licence affords grounds for the belief that the applicant or holder will not engage in the practice of architecture in accordance with the law and with honesty and integrity;

(b) that the holder of the temporary licence does not meet the requirements or the qualifications for the issuance of the temporary licence set out in the regulations; or

(c) that there has been a breach of a condition of the temporary licence.

Referral to committees

(3) Subsections 13 (3) to (6) (which relate to the Academic Requirements Committee and the Experience Requirements Committee) apply with necessary modifications in respect of an applicant for a temporary licence.

Conditions

(4) Every temporary licence is subject to the conditions prescribed by the regulations.

Extent of temporary licence

(5) A temporary licence is not valid except in respect of the architectural project described in the temporary licence.

Application of subs. (1)

(6) Subsection (1) does not apply in respect of a member or a holder of a certificate of practice.

Membership

(7) A temporary licensee is not a member of the Association.

Proposal to refuse to issue, suspend, revoke or impose conditions

25.—(1) Where the Registrar proposes,

(a) to refuse an application for a licence, a certificate of practice or a temporary licence;

(b) to suspend or revoke a certificate of practice or a temporary licence; or

(c) to issue a licence, a certificate of practice or a temporary licence subject to terms, conditions or limitations,

the Registrar shall serve notice of his proposal, together with written reasons therefor, on the applicant.

Exceptions

(2) Subsection (1) does not apply in respect of a proposal to refuse to issue a licence, a certificate of practice or a temporary licence where,

(a) the Academic Requirements Committee has determined that the applicant has not met the academic requirements set out in the regulations for the issuance of the licence or the temporary licence;

(b) the Experience Requirements Committee has determined that the applicant has not met the experience requirements set out in the regulations for the issuance of the licence or the temporary licence; or

(c) the applicant previously held a licence, a certificate of practice or a temporary licence that was suspended or revoked as a result of a decision of the Discipline Committee.

Notice

(3) A notice under subsection (1) shall state that the applicant is entitled to a hearing by the Registration Committee if the applicant delivers, within thirty days after the notice under subsection (1) is served on the applicant, notice in writing requiring a hearing by the Registration Committee and the applicant may so require such a hearing.

Power of Registrar where no hearing

(4) Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (3), the Registrar may carry out the proposal stated in the notice under subsection (1).

Hearing by Registration Committee

(5) Where an applicant requires a hearing by the Registration Committee in accordance with subsection (1), the Registration Committee shall appoint a time for, give notice of and shall hold the hearing.

Disability of member

(6) Where the Registration Committee commences a hearing and a member of the Registration Committee becomes unable to act, the remaining members may complete the hearing notwithstanding the absence of the member who is unable to act.

Continuation on expiry of committee membership

(7) Where a proceeding is commenced before the Registration Committee and the term of office on the Council or on the committee of a member sitting for the hearing expires or is terminated other than for cause before the proceeding is disposed of but after evidence is heard, the member shall be deemed to remain a member of the Registration Committee for the purpose of completing the disposition of the proceed-

ing in the same manner as if his term of office had not expired or been terminated.

Powers of Registration Committee

(8) Following upon a hearing under this section in respect of a proposal by the Registrar, the Registration Committee may, by order,

(a) where the committee is of the opinion upon reasonable grounds that the applicant meets the requirements and qualifications of this Act and the regulations and will engage in the practice of architecture with competence and integrity, direct the Registrar to issue a licence, certificate of practice or temporary licence, as the case may be, to the applicant;

(b) where the committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations,

(i) direct the Registrar to refuse to issue a licence, certificate of practice or temporary licence, or to revoke the certificate of practice issued to the applicant, as the case may be, or

(ii) where the committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of architecture with competence and integrity, exempt the applicant from any of the requirements of this Act and the regulations and direct the Registrar to issue a licence, certificate of practice or temporary licence, as the case may be; or

(c) where the committee is of the opinion upon reasonable grounds that it is necessary in order to ensure that the applicant will engage in the practice of architecture with competence and integrity,

(i) require the applicant to take and successfully complete such examinations as the Registration Committee may set or approve and to pay such fees therefor as the Registration Committee fixes,

(ii) require the applicant to take such additional training as the Registration Committee specifies, or

(iii) direct the Registrar to issue a licence, certificate of practice or temporary licence, as the case may be, subject to such terms, conditions or limitations as the Registration Committee specifies.

Extension of time for requiring hearing

(9) The Registration Committee may extend the time for the giving of notice requiring a hearing by an applicant under this section before or after the expiration of such time where it is satisfied that there are apparent grounds for granting relief to the applicant following upon a hearing and that there are reasonable grounds for applying for the extension, and the Registration Committee may give such directions as it considers proper consequent upon the extension.

Parties

(10) The Registrar and the applicant who has required the hearing are parties to proceedings before the Registration Committee under this section.

Opportunity to show compliance

(11) The applicant shall be given a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue of the licence, the certificate of practice or the temporary licence.

Examination of documentary evidence

(12) A party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(13) Members of the Registration Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for both parties to participate, but the Registration Committee may seek legal advice from a person who is not counsel in the proceedings and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(14) The oral evidence taken before the Registration Committee at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Only members at hearing to participate in decision

(15) No member of the Registration Committee shall participate in a decision of the Registration Committee following

upon a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(16) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Registration Committee within a reasonable time after the matter in issue has been finally determined.

Applicant

(17) In this section, "applicant" means applicant for the issuance of a licence, or applicant for or holder of a certificate of practice or a temporary licence.

Relationship between corporation and client

26. A corporation that holds a certificate of practice has the same rights and is subject to the same obligations in respect of fiduciary, confidential and ethical relationships with each client of the corporation that exist at law between a member of the Association and his client.

Registers

27.—(1) The Registrar shall maintain one or more registers in which is entered every person who is licensed under this Act and every holder of a certificate of practice or temporary licence, identifying the terms, conditions and limitations attached to the licence, certificate of practice or temporary licence, and shall note on the register every revocation, suspension and cancellation or termination of a licence, certificate of practice or temporary licence and such other information as the Registration Committee or Discipline Committee directs.

Inspection

(2) Any person has the right, during normal business hours, to inspect the registers maintained by the Registrar.

Copies

(3) The Registrar shall provide to any person, upon payment of a reasonable charge therefor, a copy of any part of the registers maintained by the Registrar.

Continuation of certificates

(4) Every certificate of membership and every temporary licence issued under the *Architects Act*, being chapter 26 of the Revised Statutes of Ontario, 1980, or a predecessor thereof, and in effect immediately before this Act comes into force continues in the same manner as if issued as a licence or a temporary licence, as the case requires, under this Act.

Cancellation for default of fees

28.—(1) The Registrar may cancel a licence, certificate of practice or temporary licence for non-payment of any fee prescribed by the by-laws after giving the member or the holder of the certificate of practice or temporary licence at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Association in respect of

any disciplinary action arising out of his professional conduct while a member or holder.

Reinstatement

(2) A person who was a member or a holder of a certificate of practice or temporary licence whose licence, certificate of practice or temporary licence was cancelled by the Registrar under subsection (1) is entitled to have the licence, certificate of practice or temporary licence reinstated upon compliance with the requirements and qualifications prescribed by the regulations.

Complaints Committee

29.—(1) The Complaints Committee shall be composed of,

(a) at least one member of the Council who was elected to the Council;

(b) at least one member of the Council who was appointed to the Council by the Lieutenant Governor in Council; and

(c) such other members of the Association as may be appointed by the Council.

Idem

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman

(3) The Council shall name one member of the Complaints Committee to be chairman.

Quorum

(4) Three members of the Complaints Committee, of whom one shall be a person elected to the Council, constitute a quorum.

Duties of Complaints Committee

30.—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Association regarding the conduct or actions of any member of the Association or holder of a certificate of practice or a temporary licence, but no action shall be taken by the Committee under subsection (2) unless,

(a) a written complaint has been filed with the Registrar and the member or holder whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the member or holder may wish to make concerning the matter; and

(b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

Idem

(2) The Committee in accordance with the information it receives may,

(a) direct that the matter be referred, in whole or in part, to the Discipline Committee;

(b) direct that the matter not be referred under clause (a); or

(c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.

Decision and reasons

(3) The Committee shall give its decision in writing to the Registrar for the purposes of subsection (4) and, where the decision is made under clause (2) (b), its reasons therefor.

Notice

(4) The Registrar shall send to the complainant and to the person complained against by prepaid first class mail a copy of the written decision made by the Complaints Committee and its reasons therefor, if any, together with notice advising the complainant of his right to apply to the Complaints Review Councillor under section 32.

Hearing

(5) The Committee is not required to hold a hearing or to afford to any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this section.

Complaints Review Councillor

31.—(1) There shall be a Complaints Review Councillor who shall be appointed by and from among the members of the Council appointed by the Lieutenant Governor in Council.

Idem

(2) The Complaints Review Councillor is not eligible to be a member of the Complaints Committee or the Fees Mediation Committee.

Examination by Complaints Review Councillor

32.—(1) The Complaints Review Councillor may examine from time to time the procedures for the treatment of complaints by the Association.

Review by Complaints Review Councillor

(2) Where a complaint respecting a member of the Association or a holder of a certificate of practice or a temporary licence has not been disposed of by the Complaints Committee within ninety days after the complaint is filed with the

Registrar, upon application by the complainant or on his own initiative the Complaints Review Councillor may review the treatment of the complaint by the Complaints Committee.

Application to Complaints Review Councillor

(3) A complainant who is not satisfied with the handling by the Complaints Committee of his complaint to the Committee may apply to the Complaints Review Councillor for a review of the treatment of the complaint after the Committee has disposed of the complaint.

Complaints Review Councillor not to inquire into merit of complaint

(4) In an examination or review in respect of the Association, the Complaints Review Councillor shall not inquire into the merits of any particular complaint made to the Association.

Discretionary power of Complaints Review Councillor

(5) The Complaints Review Councillor in his discretion may decide in a particular case not to make a review or not to continue a review in respect of the Association where,

(a) the review is or would be in respect of the treatment of a complaint that was disposed of by the Association more than twelve months before the matter came to the attention of the Complaints Review Councillor; or

(b) in the opinion of the Complaints Review Councillor,

(i) the application to the Complaints Review Councillor is frivolous or vexatious or is not made in good faith, or

(ii) the person who has made application to the Complaints Review Councillor has not a sufficient personal interest in the subject-matter of the particular complaint.

Notice

(6) Before commencing an examination or review in respect of the Association, the Complaints Review Councillor shall inform the Association of his intention to commence the examination or review.

Office accommodation

(7) The Council shall provide to the Complaints Review Councillor such accommodation and support staff in the offices of the Association as are necessary to the performance of the powers and duties of the Complaints Review Councillor.

Privacy

(8) Every examination or review by the Complaints Review Councillor in respect of the Association shall be conducted in private.

Receipt of information

(9) In conducting an examination or review in respect of the Association, the Complaints Review Councillor may hear or obtain information from any person and may make such inquiries as he thinks fit.

Hearing not required

(10) The Complaints Review Councillor is not required to hold or to afford to any person an opportunity for a hearing in relation to an examination, review or report in respect of the Association.

Duty to furnish information

(11) Every person who is,

(a) a member of the Council;

(b) an officer of the Association;

(c) a member of a committee of the Association; or

(d) an employee of the Association,

shall furnish to the Complaints Review Councillor such information regarding any proceedings or procedures of the Association in respect of the treatment of complaints made to the Association as the Complaints Review Councillor from time to time requires, and shall give the Complaints Review Councillor access to all records, reports, files and other papers and things belonging to or under the control of the Association or any of such persons and that relate to the treatment by the Association of complaints or any particular complaint.

Report by Complaints Review Councillor

(12) The Complaints Review Councillor shall make a report following upon each examination or review by him in respect of the Association.

Report following upon examination

(13) Where the report follows upon an examination of the procedure for the treatment of complaints by the Association, the Complaints Review Councillor shall transmit the report to the Council.

Report following upon review

(14) Where the report follows upon a review as to the treatment of a complaint by the Association, the Complaints Review Councillor shall transmit the report to the Council, to the complainant and to the person complained against.

Report to Minister

(15) The Complaints Review Councillor may transmit a report following upon an examination or review to the Minis-

ter where, in the opinion of the Complaints Review Councillor, the report should be brought to the attention of the Minister.

Recommendations

(16) The Complaints Review Councillor may include in a report following upon an examination or review his recommendations in respect of the procedures of the Association, either generally or with respect to the treatment of a particular complaint.

Consideration by Council

(17) The Council shall consider each report, and any recommendations included in the report, transmitted to it by the Complaints Review Councillor and shall notify the Complaints Review Councillor of any action it has taken in consequence.

Discipline Committee

33.—(1) The Discipline Committee shall be composed of,

(a) at least one person appointed to the Discipline Committee by the Council from among the members of the Council elected to the Council;

(b) at least one person who is a member of the Council appointed by the Lieutenant Governor in Council; and

(c) the persons appointed to the Discipline Committee by the Council from among the members of the Association who have not less than ten years experience in the practice of architecture.

Quorum and votes

(2) Three members of the Discipline Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum, and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee present at the meeting.

Disability of member

(3) Where the Discipline Committee commences a hearing and a member of the Discipline Committee becomes unable to act, the remaining members may complete the hearing notwithstanding the absence of the member who is unable to act.

Chairman

(4) The Council shall name one member of the Discipline Committee who is a member of and elected to the Council to be chairman.

Reference by Council

(5) The Council, by resolution, may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct or incompetence on the part of a member of the Association or a holder of a certificate of practice or a temporary licence specified in the resolution.

Duties of Discipline Committee

34.—(1) The Discipline Committee shall,

(a) when so directed by the Council or the Complaints Committee, hear and determine allegations of professional misconduct or incompetence against a member of the Association or a holder of a certificate of practice or a temporary licence;

(b) hear and determine matters referred to it under section 30, 33 or 42; and

(c) perform such other duties as are assigned to it by the Council.

Professional misconduct

(2) A member of the Association or a holder of a certificate of practice or a temporary licence may be found guilty of professional misconduct by the Committee if,

(a) the member or holder has been found guilty of an offence relevant to his suitability to practise, upon proof of such conviction;

(b) the member or holder has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

Incompetence

(3) The Discipline Committee may find a member of the Association or a holder of a certificate of practice or a temporary licence to be incompetent if in its opinion,

(a) the member or holder has displayed in his professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of the public the member or holder serves of a nature or to an extent that demonstrates the member or holder is unfit to carry out the responsibilities of an architect; or

(b) the member or holder is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member or holder that the member or holder no longer be permitted to engage in the practice of architecture or that his practice of architecture be restricted.

Powers of Discipline Committee

(4) Where the Discipline Committee finds a member of the Association or a holder of a certificate of practice or a temporary licence guilty of professional misconduct or incompetence it may, by order,

(a) revoke the licence of the member or the certificate of practice or temporary licence of the holder;

(b) suspend the licence of the member or the certificate of practice or temporary licence of the holder for a stated period, not exceeding twenty-four months;

(c) accept the undertaking of the member or holder to limit the professional work of the member or holder in the practice of architecture to the extent specified in the undertaking;

(d) impose terms, conditions or limitations on the licence, certificate of practice or temporary licence, of the member or holder, including but not limited, in the case of a member or a holder of a temporary licence, to the successful completion of a particular course or courses of study, as are specified by the Discipline Committee;

(e) impose specific restrictions on the licence, certificate of practice or temporary licence, including but not limited to,

(i) requiring the member or the holder of the temporary licence to engage in the practice of architecture only under the personal supervision and direction of another member, or a member, as the case may be,

(ii) requiring the member to not alone engage in the practice of architecture,

(iii) requiring the member or the holder of the certificate of practice or temporary licence to accept periodic inspections by the Committee or its delegate of the books, accounts, records and designs of the member or the holder in connection with his practice,

(iv) requiring the member or the holder of the certificate of practice or temporary licence to report to the Registrar or to such committee of the Council as the Discipline Committee may specify on such matters in respect of the member's or holder's practice for such period of time, at such times and in such form, as the Discipline Committee may specify;

(f) require that the member or the holder of the certificate of practice or temporary licence be reprimanded, admonished or counselled and, if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register;

(g) revoke or suspend for a stated period of time the designation of the member or holder by the Association as a specialist in any branch of architecture;

(h) impose such fine as the Discipline Committee considers appropriate, to a maximum of $5,000, to be paid by the member or the holder of the certificate of practice or temporary licence to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;

(i) require the member or the holder of the certificate of practice or temporary licence to repay, waive or reduce the fee of the member or the holder in respect of the practice of architecture related to the finding of professional misconduct or incompetence;

(j) subject to subsection (5) in respect of orders of revocation or suspension, direct that the finding and the order of the Discipline Committee be published in an official publication of the Association in detail or in summary and either with or without including the name of the member or holder;

(k) fix and impose costs to be paid by the member or the holder to the Association;

(l) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms or for such purpose as may be specified by the Discipline Committee, including but not limited to,

(i) the successful completion by the member or the holder of the temporary licence of a particular course or courses of study,

(ii) the production to the Discipline Committee of evidence satisfactory to it that any physical or mental handicap in respect of which the penalty was imposed has been overcome,

or any combination of them.

Publication of revocation or suspension

(5) The Discipline Committee shall cause an order of the Committee revoking or suspending a licence, certificate of practice or temporary licence to be published, with or without the reasons therefor, in an official publication of the Association together with the name of the member or holder of the revoked or suspended licence, certificate of practice or temporary licence.

Publication on request

(6) The Discipline Committee shall cause a determination by the Committee that an allegation of professional misconduct or incompetence was unfounded to be published in an official publication of the Association, upon the request of the member or the holder of a certificate of practice or temporary licence against whom the allegation was made.

Costs

(7) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Association reimburse the member or the holder of the certificate of practice or temporary licence for his costs or such portion thereof as the Discipline Committee fixes and the Association shall comply with the order.

Stay on appeal for incompetence

(8) Where the Discipline Committee revokes, suspends or restricts a licence, certificate of practice or temporary licence on the ground of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision unless the court to which the appeal is taken otherwise orders, and, where the court is satisfied that it is appropriate in the circumstances, the court may so order.

Stay on appeal for professional misconduct

(9) Where the Discipline Committee revokes, suspends or restricts a licence, a certificate of practice or a temporary licence on a ground other than incompetence, the order does not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, unless the Discipline Committee otherwise orders, and, where the Committee considers that it is appropriate for the protection of the public, the Committee may so order.

Service of decision of Discipline Committee

(10) Where the Discipline Committee finds a member or a holder of a certificate of practice or temporary licence guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member or holder.

Continuation on expiry of Committee membership

(11) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or

is terminated, other than for cause, before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Discipline proceedings, parties

35.—(1) In proceedings before the Discipline Committee, the Association and the member of the Association or holder of a certificate of practice or temporary licence whose conduct is being investigated in the proceedings are parties to the proceedings.

Examination of documentary evidence

(2) A member or holder of a certificate of practice or temporary licence whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Council considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from a person who is not counsel in the proceedings and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

In camera
R.S.O. 1980, c. 484

(4) Notwithstanding anything in the *Statutory Powers Procedure Act*, hearings of the Discipline Committee shall be held *in camera*, but, if the party whose conduct is being investigated requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the committee shall conduct the hearing in public except where,

(a) matters involving public security may be disclosed; or

(b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

Recording of evidence

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies of a transcript thereof shall be furnished only to the parties at their own cost.

Evidence R.S.O. 1980, c. 484

(6) Notwithstanding the *Statutory Powers Procedure Act*, nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it.

Only members at hearing to participate in decision

(7) No member of the Discipline Committee shall participate in a decision of the Committee following upon a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the party who produced them, be returned by the Committee within a reasonable time after the matter in issue has been finally determined.

Appeal to court

36.—(1) A party to proceedings before the Registration Committee or the Discipline Committee may appeal to the Divisional Court, in accordance with the rules of court, from the decision or order of the committee.

Certified copy of record

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee therefor, the Registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Powers of court on appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Fees Mediation Committee

37.—(1) No person who is a member of the Complaints Committee or the Discipline Committee shall be a member of the Fees Mediation Committee.

Duties of Fees Mediation Committee

(2) The Fees Mediation Committee,

(a) shall, unless the Committee considers it inappropriate to do so, mediate any written complaint by a client of a member of the Association or of a holder of a certificate of practice or temporary licence in respect of a fee charged for architectural services provided to the client; and

(b) shall perform such other duties as are assigned to it by the Council.

Arbitration by Fees Mediation Committee

(3) The Fees Mediation Committee, with the written consent of all parties to the dispute, may arbitrate a dispute in respect of a fee between a client and a member of the Association or a holder of a certificate of practice or temporary licence and in that case the decision of the Fees Mediation Committee is final and binding on all parties to the dispute.

Application of R.S.O.1980, c. 25

(4) Where the Fees Mediation Committee acts as arbitrator under subsection (3), the *Arbitrations Act* does not apply.

Enforcement

(5) A decision by the Fees Mediation Committee under subsection (3), exclusive of the reasons therefor, certified by the Registrar, may be filed with the Supreme Court or a county or district court and when filed the decision may be enforced in the same manner as a judgment of the court.

Registrar's investigation

38.—(1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a holder of a certificate of practice or temporary licence has committed an act of professional misconduct or incompetence, the Registrar by order may appoint one or more persons to investigate whether such act has occurred, and the person appointed shall report the result of his investigation to the Registrar.

Powers of investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member or holder of the certificate of practice or temporary licence in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the business premises of the member or holder and examine books, records, documents and things relevant to the subject-matter of the investigation and, for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of the *Public Inquiries Act,* which Part applies to such inquiry as if it were an inquiry under that Act.

R.S.O. 1980, c. 411

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Order by provincial judge

(4) Where a provincial judge is satisfied on evidence upon oath,

(a) that the Registrar had grounds for appointing and by order has appointed one or more persons to make an investigation; and

(b) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the member of the Association or holder of a certificate of practice or a temporary licence whose affairs are being investigated and to the subject-matter of the investigation,

the provincial judge may issue an order authorizing the person or persons making the investigation, together with such police officer or officers as they call upon to assist them, to enter and search, by force if necessary, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them.

Execution of order

(5) An order issued under subsection (4) shall be executed at reasonable times as specified in the order.

Expiry of order

(6) An order issued under subsection (4) shall state the date on which it expires, which shall be a date not later than fifteen days after the order is issued.

Ex parte application

(7) A provincial judge may receive and consider an application for an order under subsection (4) without notice to and in the absence of the member of the Association or holder of a certificate of practice or a temporary licence whose affairs are being investigated.

Removal of books, etc.

(8) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection (2) or (4) relating to the member or holder whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member or holder whose practice is being investigated.

Admissibility of copies

(9) Any copy made as provided in subsection (8) and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as proof in the absence of evidence to the contrary of the original book, record or document and its contents.

Report of Registrar

(10) The Registrar shall report the results of the investigation to the Council or such committee as he considers appropriate.

Information re insurance claims, interpretation

39.—(1) In this section, "insurer" means a person offering insurance in respect of liability incurred in the practice of architecture.

Information

(2) Upon the request of the Registrar, an insurer shall furnish to the Registrar any information that is in the possession of the insurer and that is specified in the request related to a claim or claims for indemnity in respect of the practice of architecture.

Exception

(3) Subsection (2) does not apply in respect of a document prepared by an insured person related to a claim for indemnity in respect of the practice of architecture by the insured person.

Transmittal of information

(4) The Registrar may forward any information referred to in subsection (2) to the Council or to such committee as he considers appropriate.

Professional liability insurance

40.—(1) No member of the Association, holder of a certificate of practice or a temporary licence shall engage in the practice of architecture unless insured against professional liability in accordance with the regulations or in accordance with arrangements under subsection (2).

Arrangements by Association

(2) The Association may make arrangements respecting insurance against professional liability for members of the Association, holders of certificates of practice and holders of temporary licences.

Premiums

(3) Arrangements under subsection (2) may include arrangements respecting the payment and remission of premiums.

Levies

(4) The Association may prescribe levies that shall be paid by members of the Association, holders of certificates of practice and holders of temporary licences related to arrangements under subsection (2).

Surrender of cancelled licence, etc.

41. Where a licence, certificate of practice or temporary licence is revoked or cancelled, the former holder thereof shall forthwith deliver the licence, certificate of practice or temporary licence and related seal to the Registrar.

Application for restoration of licence, etc.

42.—(1) A person whose licence, certificate of practice or temporary licence has been revoked for cause under this Act, or whose membership has been cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence, certificate of practice or temporary licence, but such application shall not be made sooner than two years after the revocation.

Removal of suspension

(2) A person whose licence, certificate of practice or temporary licence has been suspended for cause under this Act, or whose membership has been suspended for cause under a predecessor of this Act, may apply in writing to the Registrar for the removal of the suspension, but, where the suspension is for more than one year, the application shall not be made sooner than one year after the commencement of the suspension.

Reference to Discipline Committee

(3) The Registrar shall refer the application to the Discipline Committee which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and to the applicant.

Procedures

(4) The provisions of this Act applying to hearings by the Registration Committee, except section 36, apply with necessary modifications to proceedings of the Discipline Committee under this section.

Direction by Council to issue licence

(5) Notwithstanding subsections (1), (2) and (3), the Council may direct at any time that a licence, certificate of practice or temporary licence be issued to a person whose licence, certificate of practice or temporary licence has previously been revoked for cause or suspended for cause or that a suspension or cancellation for cause under a predecessor of this Act be removed, subject to such terms, conditions or limitations as the Council considers appropriate.

Confidentiality

43.—(1) Every person engaged in the administration of this Act, including any person making an examination or review under section 32 or an investigation under section 38, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of,

(i) this Act and the regulations and by-laws, or

(ii) the *Professional Engineers Act, 1984* and the regulations and by-laws under that Act, 1984, c. 13

or any proceedings under,

(iii) this Act or the regulations, or

(iv) the *Professional Engineers Act, 1984* or the regulations under that Act;

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

Testimony in civil action

(2) No person to whom subsection (1) applies shall be required to give testimony or to produce any book, record, document or thing in any action or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Act or the regulations or by-laws or a proceeding under the *Professional Engineers Act, 1984* or the regulations or by-laws under that Act.

Use of word "architect" by corporation

44.—(1) A corporation whose name includes the word "architect" or a derivative or abbreviation of "architect" and that ceases to hold a subsisting certificate of practice shall not carry on or engage in any business until the word "architect" or the derivative or abbreviation of "architect" is removed from the name of the corporation.

Exception

(2) Subsection (1) does not apply to prevent a corporation from carrying on an activity necessary to the winding up of the corporation.

Proceedings to prohibit continuation or repetition of contravention

45. Where any provision of this Act or the regulations is contravened, notwithstanding any other remedy or any penalty imposed, the Association may apply to a judge of the Supreme Court for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention, and the judge may make the order and it may be enforced in

the same manner as any other order or judgment of the Supreme Court.

Penalties

46.—(1) Every person who contravenes section 11 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than $15,000 and for each subsequent offence to a fine of not more than $30,000.

Idem

(2) Every person who is not a holder of a licence, certificate of practice or temporary licence and who,

(a) uses the title "architect" as an occupational designation;

(b) uses,

(i) an addition to or an abbreviation of the title "architect",

(ii) an occupational designation, or

(iii) a term, title, addition or description,

that will lead to the belief that the person may engage in the practice of architecture; or

(c) uses a seal that will lead to the belief that the person is an architect,

is guilty of an offence and on conviction is liable for the first offence to a fine of not more than $5,000 and for each subsequent offence to a fine of not more than $15,000.

Idem

(3) Any person who obstructs a person appointed to make an investigation under section 38 in the course of his duties is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Idem

(4) Every corporation that contravenes section 44 is guilty of an offence and on conviction is liable for a first offence to a fine of not more than $5,000 and for each subsequent offence to a fine of not more than $15,000.

Idem, director or officer of corporation

(5) Where a corporation is guilty of an offence under subsection (1), (2), (3) or (4), every director or officer of the corporation who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than $30,000.

Idem, partner

(6) Where a person who is guilty of an offence under subsection (1), (2), (3) or (4) is a member or an employee of a partnership, every member of the partnership who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than $30,000.

Limitation

(7) Proceedings shall not be commenced in respect of an offence under subsection (1), (2), (3), (4), (5) or (6) after two years after the date on which the offence was, or is alleged to have been, committed.

Exception

(8) It is not an offence under subsection (2),

(a) for a member of the Association of Architectural Technologists of Ontario to use the designation "architectural technologist" or "architectural technician";

(b) for a person to use the designation "landscape architect"; or

(c) for a person to use the title "architect" if the person is a member of a class for whom the use of the title is a privilege prescribed by the regulations.

Falsification of certificate

47.—(1) Any person who makes or causes to be made any wilful falsification in any matter relating to a register or issues a false licence, certificate of practice, temporary licence or document with respect to registration is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Offences for false representation

(2) Every person who wilfully procures or attempts to procure the issuance of a licence, a certificate of practice or a temporary licence under this Act by knowingly making any false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on conviction is liable to a fine of not more than $5,000, and every person knowingly aiding and assisting him therein is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Limitation period

(3) Proceedings to obtain a conviction for an offence under subsection (1) or (2) shall not be commenced after the expiration of six months after the date on which the offence was, or is alleged to have been, committed.

Onus of proof

48. Where licensing or the holding of a certificate of practice or a temporary licence or acting under and in accordance with a certificate of practice under this Act is required to permit the lawful doing of any act or thing, if in any prosecution

it is proven that the defendant has done such act or thing, the burden of proving that he was so licensed or that he held a subsisting certificate of practice or temporary licence or that he acted in accordance with a certificate of practice under this Act rests upon the defendant.

Service of notice

49. A notice or document required by this Act to be served or delivered may be served or delivered personally or by mail addressed to the person to whom notice is to be given at his last known address and, where notice is served or delivered by mail, the service or delivery shall be deemed to have been made on the tenth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

Registrar's certificate as evidence

50. Any statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the Association, is admissible in evidence in all courts as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal.

Immunity

51.—(1) No action or other proceeding for damages shall be instituted against the Association, a committee of the Association or a member of the Association or committee, or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Councillor indemnified in suits respecting execution of his office

(2) Every member of the Council and every officer, member or employee of the Association, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Association, given at any meeting of the members of the Association, from time to time and at all times, be indemnified and saved harmless out of the funds of the Association, from and against,

(a) all costs, charges and expenses whatsoever that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office, employment or appointment; and

(b) all other costs, charges and expenses that he sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

Joint Practice Board

52.—(1) There shall be a board to be known as the "Joint Practice Board" to assist the Ontario Association of Architects and the Association of Professional Engineers of Ontario in the maintenance of the professional relationship between the two associations.

Composition

(2) The Joint Practice Board shall be composed of a chairman, three members representing the Ontario Association of Architects and three members representing the Association of Professional Engineers of Ontario.

Appointment of chairman

(3) The Lieutenant Governor in Council may appoint the chairman after requesting and considering the views, if any, of the council of each of the associations and may provide for remuneration and payment of the expenses, or either of them, of the chairman.

Appointment of members by Council

(4) The Council shall appoint to the Joint Practice Board the three members representing the Association and shall prescribe the term of each appointment.

Recommendations

(5) The Joint Practice Board may recommend to the Council,

(a) that the Council direct the Registrar to issue a licence or a certificate of practice to a holder of a general certificate of authorization;

(b) that an inspection be made of records, other than financial records, of a specific member of the Association, holder of a certificate of practice or holder of a temporary licence as part of a program of inspection of records other than financial records.

Direction by Council to issue licence or certificate of practice

(6) The Council, upon the recommendation of the Joint Practice Board, may direct the Registrar to issue a licence or a certificate of practice to a holder of a general certificate of authorization and, if the Council does not direct the issuance of the licence or the certificate of practice, the Council shall give its reasons therefor in writing to the Joint Practice Board and to the applicant for the licence or the certificate of practice.

Referral of dispute to Joint Practice Board 1984, c. 13

(7) Where a dispute arises between an architect and a professional engineer or a holder of a certificate of authorization issued under the *Professional Engineers Act, 1984* as to jurisdiction in respect of professional services, the Registrar may refer the matter to the Joint Practice Board and the Joint Practice Board shall consider the matter and assist the architect and the professional engineer or the holder of the certificate of authorization to resolve the dispute in accordance with the rules in section 11.

Commencement of proceedings

(8) Proceedings shall not be commenced under this Act in respect of a matter mentioned in subsection (7) except upon the certificate of the chairman of the Joint Practice Board that the Board has considered the matter and has been unable to resolve the dispute.

Certificate

(9) The certificate of the chairman is admissible in evidence in all courts as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the chairman.

Annual report

53.—(1) The Council shall make a report annually to the Minister containing such information as the Minister requires.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Application of R.S.O.1980, c. 95

54.—(1) The *Corporations Act* does not apply in respect of the Association except for the following sections of that Act which shall apply with necessary modifications in respect of the Association:

1. Section 81 (which relates to liability for wages).

2. Section 94 (which relates to auditors) and, for the purpose, the Attorney General shall be deemed to be the Minister referred to in the section.

3. Subsection 95 (1) (which relates to the auditor's qualifications) and, for the purpose, the subsection shall be deemed not to include,

   i. the exception as provided in subsection 95 (2), and

   ii. the reference to an affiliated company.

4. Section 96 (which relates to the auditor's functions).

5. Subsection 97 (1), exclusive of clause 97 (1) (b), (which relates to the auditor's report) and, for the purpose, the Association shall be deemed to be a private company.

6. Subsection 97 (3) (which relates to the auditor's report).

7. Section 122 (which relates to the liability of members).

8. Section 276 (which relates to the holding of land) and, for the purpose, the Attorney General shall be deemed to be the Minister referred to in the section.

9. Section 280 (which relates to making contracts).

10. Section 281 (which relates to power of attorney).

11. Section 282 (which relates to authentication of documents) except in respect of information from the records required to be kept by the Registrar.

12. Section 292 (which relates to validity of acts of directors).

13. Section 294 (which relates to general meetings).

14. Section 297 (which relates to directions by a court as to holding a meeting).

15. Section 299 (which relates to minutes of meetings).

16. Section 302 (which relates to books of account).

17. Section 303 (which relates to untrue entries) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.

18. Section 304 (which relates to the place of keeping and the inspection of records) and, for the purpose,

    i. the section shall be deemed not to refer to sections 41 and 43 of that Act, and

    ii. the Attorney General shall be deemed to be the Minister referred to in the section.

19. Section 305 (which relates to inspection of records) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.

20. Section 310 (which relates to investigations and audits).

21. Section 323 (which relates to evidence of by-laws and certificates of amounts due).

22. Section 329 (which relates to removal of proceedings into the Supreme Court).

23. Section 330 (which relates to appeals).

24. Section 331 (which relates to untrue statements) and, for the purpose,

    i. the section shall be deemed not to refer to regulations made under that Act, and

    ii. the Attorney General and the Deputy Attorney General shall be deemed to be the Minister and the Deputy Minister referred to in the section.

25. Section 333 (which relates to orders by the court) and, for the purpose, the section shall be deemed not to refer to creditors.

Interpretation (2) For the purposes of subsection (1), a member of the Association shall be deemed to be a shareholder.

Repeal **55.**—(1) The *Architects Act*, being chapter 26 of the Revised Statutes of Ontario, 1980, is repealed.

References R.S.O.1980, c. 26 (2) Any reference in any Act or regulation to the *Architects Act* shall be deemed to be a reference to this Act.

Idem (3) Any reference in any Act or regulation to an architect as a member of the Association under the *Architects Act* shall be deemed to be a reference to an architect licensed under this Act.

Commencement **56.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title **57.** The short title of this Act is the *Architects Act, 1984*.

CHAPTER 13

An Act to revise the Professional Engineers Act

Assented to May 1st, 1984

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "Academic Requirements Committee" means the Academic Requirements Committee appointed pursuant to the regulations;

(b) "architect" means a person who is licensed or who holds a certificate of practice or a temporary licence under the *Architects Act, 1984*;

1984, c. 12

(c) "Association" means Association of Professional Engineers of Ontario;

(d) "by-laws" means by-laws made under this Act;

(e) "certificate of authorization" means certificate of authorization issued under this Act to engage in the business of providing services that are within the practice of professional engineering;

(f) "Complaints Review Councillor" means Complaints Review Councillor appointed under this Act;

(g) "Council" means Council of the Association;

(h) "Experience Requirements Committee" means the Experience Requirements Committee appointed pursuant to the regulations;

(i) "Joint Practice Board" means Joint Practice Board established under the *Architects Act, 1984*;

(j) "licence" means licence to engage in the practice of professional engineering issued under this Act;

(k) "limited licence" means limited licence to engage in the practice of professional engineering issued under this Act;

(l) "Minister" means the Attorney General or such other member of the Executive Council as is designated by the Lieutenant Governor in Council;

(m) "practice of professional engineering" means any act of designing, composing, evaluating, advising, reporting, directing or supervising wherein the safeguarding of life, health, property or the public welfare is concerned and that requires the application of engineering principles, but does not include practising as a natural scientist;

(n) "professional engineer" means a person who holds a licence or a temporary licence;

(o) "Registrar" means Registrar of the Association;

(p) "regulations" means regulations made under this Act;

(q) "temporary licence" means temporary licence to engage in the practice of professional engineering issued under this Act.

Association continued

2.—(1) The Association of Professional Engineers of the Province of Ontario, a body corporate, is continued as a corporation without share capital under the name of "Association of Professional Engineers of Ontario".

Head office

(2) The head office of the Association shall be at The Municipality of Metropolitan Toronto.

Principal object

(3) The principal object of the Association is to regulate the practice of professional engineering and to govern its members, holders of certificates of authorization, holders of temporary licences and holders of limited licences in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

Additional objects

(4) For the purpose of carrying out its principal object, the Association has the following additional objects:

1. To establish, maintain and develop standards of knowledge and skill among its members.

2. To establish, maintain and develop standards of qualification and standards of practice for the practice of professional engineering.

3. To establish, maintain and develop standards of professional ethics among its members.

4. To promote public awareness of the role of the Association.

5. To perform such other duties and exercise such other powers as are imposed or conferred on the Association by or under any Act.

Capacity and powers of Association

(5) For the purpose of carrying out its objects, the Association has the capacity and the powers of a natural person.

Council of Association

3.—(1) The Council of the Association is continued and shall be the governing body and board of directors of the Association and shall manage and administer its affairs.

Composition of Council

(2) The Council shall be composed of,

(a) not fewer than fifteen and not more than twenty persons who are members of the Association and who are elected by the members of the Association as provided by the regulations;

(b) not fewer than five and not more than seven persons who are members of the Association and who are appointed by the Lieutenant Governor in Council;

(c) not fewer than three and not more than five persons who are not members of the governing body of a self-regulating licensing body under any other Act or licensed under this Act and who are appointed by the Lieutenant Governor in Council; and

(d) the holders of offices prescribed by the regulations who are not members of the Council under clause (a), (b) or (c).

Idem

(3) No person shall be elected or appointed to the Council unless he is a Canadian citizen resident in Ontario.

Remuneration of lay members

(4) The persons appointed under clause (2) (c) shall be paid, out of the moneys appropriated therefor by the Legislature, such expenses and remuneration as is determined by the Lieutenant Governor in Council.

Term of office of appointed members

(5) In each year, the persons to be appointed by the Lieutenant Governor in Council shall be appointed for one year, two year or three year terms in order that one-third, or as near thereto as possible, shall be appointed in each year.

Qualifications to vote

(6) Every member of the Association who is not in default of payment of an annual fee prescribed by the by-laws is qualified to vote at an election of members of the Council.

Officers

(7) The Association shall have the officers provided for by the regulations.

Registrar and staff

(8) The Council shall appoint during pleasure a Registrar and may appoint one or more deputy registrars who shall have the powers of the Registrar for the purposes of this Act, and may appoint such other persons as are from time to time necessary or desirable in the opinion of the Council to perform the work of the Association.

Quorum

(9) A majority of the members of the Council constitutes a quorum.

Vacancies

(10) Where one or more vacancies occur in the membership of the Council, the members remaining in office constitute the Council so long as their number is not fewer than a quorum.

Filling of vacancy

(11) A vacancy on the Council caused by the death, resignation, removal or incapacity to act of an elected member of the Council shall be filled as soon as practicable by a member of the Association,

(a) where a quorum of the Council remains in office, appointed by the majority of the Council, and the member so appointed shall be deemed to be an elected member of the Council; or

(b) where no quorum of the Council remains in office, elected in accordance with the regulations,

and the member so appointed or elected shall hold office for the unexpired portion of the term of office of the member whose office he is elected or appointed to fill.

Meetings of Council

(12) The Council shall meet at least four times a year.

Continuation of Council members

(13) The members of the Council of the Association of Professional Engineers of the Province of Ontario who were elected or appointed and in office immediately before this Act comes into force shall continue in office and shall be deemed to be elected or appointed, as the case requires, under subsection (2) until the expiration of the term for which they were elected or appointed or until the office otherwise becomes vacant.

Annual meetings

4. The Association shall hold an annual meeting of the members of the Association not more than fifteen months after the holding of the last preceding annual meeting.

Membership

5.—(1) Every person who holds a licence is a member of the Association subject to any term, condition or limitation to which the licence is subject.

Resignation of membership

(2) A member may resign his membership by filing with the Registrar his resignation in writing and his licence is thereupon cancelled, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of his professional conduct while a member.

Powers of Minister

6. In addition to his other powers and duties under this Act, the Minister may,

(a) review the activities of the Council;

(b) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;

(c) advise the Council with respect to the implementation of this Act and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures.

Regulations

7.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

1. fixing the number of members to be elected to the Council under clause 3 (2) (a) and defining constituencies, and prescribing the number of representatives;

2. respecting and governing the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, and controverted elections;

3. prescribing the conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;

4. prescribing positions of officers of the Association and providing for their election or appointment;

5. respecting the composition of the committees required by this Act, other than the Complaints Committee and the Discipline Committee, the mechanism of the appointment of members of the

committees and procedures ancillary to those specified in this Act in respect of any committee;

6. respecting matters of practice and procedure before committees required under this Act that do not conflict with the *Statutory Powers Procedure Act*; R.S.O. 1980, c. 484

7. prescribing the quorums of the committees required by this Act other than the Complaints Committee and the Discipline Committee;

8. prescribing classes of persons whose interests are related to those of the Association and the privileges of members of the classes in relation to the Association;

9. respecting any matter ancillary to the provisions of this Act with regard to the issuing, suspension and revocation of licences, certificates of authorization, temporary licences and limited licences, including but not limited to regulations respecting,

   i. the scope, standards and conduct of any examination set or approved by the Council as a licensing requirement,

   ii. the curricula and standards of professional training programs offered by the Council,

   iii. the academic, experience and other requirements for admission into professional training programs,

   iv. classes of licences,

   v. the academic and experience requirements for the issuance of a licence or any class of licence, and

   vi. classes of certificates of authorization, temporary licences and limited licences, including prescribing requirements and qualifications for the issuance of specified classes of certificates of authorization, temporary licences and limited licences, and terms and conditions that shall apply to specified classes of certificates of authorization, temporary licences and limited licences;

10. prescribing forms of applications for licences, certificates of authorization, temporary licences and limited licences and requiring their use;

11. requiring the making of returns of information in respect of the holdings of shares and the officers and directors of corporations that apply for or hold certificates of authorization and in respect of the interests of partners that apply for or hold certificates of authorization and prescribing and requiring the use of forms of such returns;

12. requiring and governing the signing and sealing of documents and designs by members of the Association, holders of temporary licences and holders of limited licences, specifying the forms of seals and respecting the issuance and ownership of seals;

13. requiring the making of returns of information by members of the Association and holders of certificates of authorization, temporary licences and limited licences in respect of names, addresses, telephone numbers, professional associates, partners, employees and professional liability insurance, and prescribing and requiring the use of forms of such returns;

14. requiring and governing the disclosure of the identity of holders of certificates of authorization on documents and designs involving the practice of professional engineering issued by such holders and specifying the form and manner of such disclosure;

15. governing the use of names and designations in the practice of professional engineering by members of the Association and holders of certificates of authorization, temporary licences and limited licences;

16. providing for the maintenance and inspection of registers of members of the Association, holders of temporary licences, holders of limited licences and holders of certificates of authorization;

17. prescribing and governing standards of practice and performance standards for the profession;

18. providing for the setting of schedules of suggested fees for professional engineering services and for the publication of the schedules;

19. respecting the advertising of the practice of professional engineering;

20. prescribing a code of ethics;

21. defining professional misconduct for the purposes of this Act;

22. providing for the designation of members of the Association and holders of temporary licences as specialists, prescribing the qualifications and requirements for designation as a specialist, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by members of the Association, a holder of a temporary licence or a certificate of authorization;

23. providing for the designation of members of the Association as consulting engineers, prescribing the qualifications and requirements for designation as a consulting engineer, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by members of the Association, a holder of a temporary licence or a certificate of authorization;

24. prescribing the minimum requirements for professional liability insurance, requiring the delivery to the Registrar of proof of such insurance and prescribing the form of such proof and the manner and time of the delivery;

25. prescribing the amount of and requiring the payment of annual fees by holders of certificates of authorization, temporary and limited licences and by students and members of related classes recognized by the Association, and fees for temporary licences, limited licences, certification, registration, designations, examinations and continuing education, including penalties for late payment, and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;

26. providing for the entering into of arrangements by the Association for its members and holders of certificates of authorization, temporary licences and limited licences respecting indemnity for professional liability and requiring the payment and remittance of premiums in connection therewith and pre-

scribing levies to be paid by members and holders of certificates of authorization, temporary licences and limited licences in respect of such indemnity for professional liability;

27. providing for continuing education of members;

28. respecting the duties and authority of the Registrar;

29. prescribing qualifications and requirements that shall be complied with to obtain the reinstatement of a licence, certificate of authorization, temporary licence or limited licence that was cancelled by the Registrar;

30. classifying and exempting any class of holders of licences, certificates of authorization, temporary licences or limited licences from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable;

31. exempting any act within the practice of professional engineering from the application of this Act;

32. specifying acts within the practice of professional engineering that are exempt from the application of this Act when performed or provided by a member of a prescribed class of persons, and prescribing classes of persons for the purpose of the exemption.

Distribution of regulations

(2) A copy of each regulation made under subsection (1),

(a) shall be forwarded to each member of the Association and to each holder of a certificate of authorization, temporary licence or limited licence; and

(b) shall be available for public inspection in the office of the Association.

By-laws

8.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the Association not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

1. prescribing the seal and other insignia of the Association and providing for their use;

2. providing for the execution of documents by the Association;

3. respecting banking and finance;

4. fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;

5. respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;

6. providing for meetings of the Council and committees, except in a proceeding in respect of a membership, certificate of authorization, temporary licence or limited licence, by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a member of the Council or committee participating in a meeting in accordance with such by-law shall be deemed to be present in person at the meeting;

7. providing that the Council or a committee may act upon a resolution consented to by the signatures of all members of the Council or the committee except in a proceeding in respect of a licence, certificate of authorization, temporary licence or limited licence, and a resolution so consented to in accordance with such a by-law is as valid and effective as if passed at a meeting of the Council or the committee duly called, constituted and held for that purpose;

8. respecting the calling, holding and conducting of meetings of the membership of the Association;

9. authorizing voting by mail by the general membership of the Association on any of the business of the Association and prescribing procedures for such voting;

10. prescribing the duties of officers of the Association;

11. prescribing forms and providing for their use;

12. providing procedures for the making, amending and revoking of the by-laws;

13. respecting management of the property of the Association;

14. providing for the appointment, composition, powers, duties and quorums of additional or special committees;

15. respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;

16. prescribing the amount and requiring the payment of annual fees by members of the Association;

17. respecting the borrowing of money by the Association and the giving of security therefor;

18. respecting membership of the Association in other organizations the objects of which are not inconsistent with and are complementary to those of the Association, the payment of annual assessments and provision for representatives at meetings;

19. providing for the establishment and dissolution and governing the operation of groups of members of the Association and respecting grants by the Association to any such groups;

20. authorizing the making of grants for any purpose that may tend to advance knowledge of professional engineering education, or maintain or improve the standards of practice in professional engineering or support and encourage public information and interest in the past and present role of professional engineering in society;

21. respecting scholarships, bursaries and prizes related to the study of professional engineering;

22. respecting the establishment and operation and use of publications of the Association;

23. providing for an employment advisory service and for the continuance of the retirement savings plans in which members of the Association may participate on a voluntary basis;

24. regarding such other matters as are entailed in carrying on the business of the Association and are not included in section 7.

When by-laws come into force

(2) A by-law passed by the Council is not effective until confirmed by the members of the Association.

Confirmation of by-laws

(3) A by-law passed by the Council may be confirmed by the members of the Association only by means of a vote conducted by mail.

Distribution of by-laws

(4) A copy of the by-laws made under subsection (1) and amendments thereto,

(a) shall be forwarded to the Minister;

(b) shall be forwarded to each member of the Association; and

(c) shall be available for public inspection in the office of the Association.

Official publication

9. The Council shall establish and designate an official publication of the Association.

Establishment of committees

10.—(1) The Council shall establish and appoint the following committees:

(a) Executive Committee;

(b) Academic Requirements Committee;

(c) Experience Requirements Committee;

(d) Registration Committee;

(e) Complaints Committee;

(f) Discipline Committee;

(g) Fees Mediation Committee,

and may establish such other committees as the Council from time to time considers necessary.

Vacancies

(2) Where one or more vacancies occur in the membership of a committee, the members remaining in office constitute the committee so long as their number is not fewer than the prescribed quorum.

Executive Committee

11. The Council may delegate to the Executive Committee the authority to exercise any power or perform any duty of the Council other than to make, amend or revoke a regulation or a by-law.

Licence or limited licence required

12.—(1) No person shall engage in the practice of professional engineering or hold himself out as engaging in the practice of professional engineering unless the person is the holder of a licence, a temporary licence or a limited licence.

Certificate of authorization

(2) No person shall offer to the public or engage in the business of providing to the public services that are within the practice of professional engineering except under and in accordance with a certificate of authorization.

Exceptions

(3) Subsections (1) and (2) do not apply to prevent a person,

(a) from doing an act that is within the practice of professional engineering in relation to machinery or equipment, other than equipment of a structural nature, for use in the facilities of the person's employer in the production of products by the person's employer;

(b) from doing an act that is within the practice of professional engineering where a professional engineer assumes responsibility for the services within the practice of professional engineering to which the act is related;

(c) from designing or providing tools and dies;

(d) from doing an act that is within the practice of professional engineering but that is exempt from the application of this Act when performed or provided by a member of a class of persons prescribed by the regulations for the purpose of the exemption, if the person is a member of the class;

(e) from doing an act that is exempt by the regulations from the application of this Act.

Idem

(4) Subsections (1) and (2) do not apply to the preparation or provision of a design for the construction, enlargement or alteration of a building,

(a) that is not more than three storeys and not more than 600 square metres in gross area as constructed, enlarged or altered;

(b) that is used or intended for one or more of residential occupancy, business occupancy, personal services occupancy, mercantile occupancy or industrial occupancy; and

(c) is not designed to house and is not part of an apparatus, process, facility or works the design of which is within the practice of professional engineering.

Idem

(5) Subsections (1) and (2) do not apply to,

(a) the preparation or provision of a design for the construction, enlargement or alteration of a building that is not more than three storeys and that is used or intended for residential occupancy and,

(i) that contains one dwelling unit or two attached dwelling units each of which is constructed directly on grade, or

(ii) that is not more than 600 square metres in building area as constructed, enlarged or altered and contains three or more attached dwelling units, each of which is constructed directly on grade, with no dwelling unit constructed above another dwelling unit; or

(b) the preparation or provision of a design for alterations within a dwelling unit that will not affect or are not likely to affect fire separations, firewalls, the strength or safety of the building or the safety of persons in the building.

Idem

(6) The following rules govern the relationship between professional engineers and architects and subsections (1) and (2) do not apply to prevent an architect from preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building in accordance with these rules:

1. Only an architect may prepare or provide a design for the construction, enlargement or alteration of a building,

i. used or intended for residential occupancy,

ii. that exceeds 600 square metres in gross area, and

iii. that does not exceed three storeys,

and carry out the general review of the construction, enlargement or alteration of the building but an architect who prepares or provides such a design may engage a professional engineer to provide ser-

vices within the practice of professional engineering in connection with the design and the professional engineer may provide the services.

2. A professional engineer or an architect may prepare or provide a design for the construction, enlargement or alteration of a building,

   i. that exceeds 600 square metres in gross area or three storeys, and

   ii. that is used or intended for,

      A. industrial occupancy, or

      B. mixed occupancy consisting of industrial occupancy and one or more other occupancies, where none of the other occupancies exceeds 600 square metres of the gross area,

but only a professional engineer may provide services within the practice of professional engineering in connection with the design.

3. Subject to rules 4 and 5, a professional engineer shall provide services that are within the practice of professional engineering and an architect shall provide services that are within the practice of architecture related to the construction, enlargement or alteration of a building used or intended for,

   i. assembly occupancy,

   ii. institutional occupancy,

   iii. business occupancy or personal services occupancy that exceeds 600 square metres in gross area or three storeys,

   iv. mercantile occupancy that exceeds 600 square metres in gross area or three storeys,

   v. residential occupancy that exceeds three storeys,

   vi. mixed occupancy consisting of industrial occupancy and one or more other occupancies, where one of the other occupancies exceeds 600 square metres in gross area,

vii. mixed occupancy consisting of a combination of,

A. assembly occupancy and any other occupancy, except industrial occupancy,

B. institutional occupancy and any other occupancy, except industrial occupancy,

C. one or more of,

1. business occupancy,

2. personal services occupancy, or

3. mercantile occupancy,

and any other occupancy, except assembly occupancy, institutional occupancy or industrial occupancy,

where the building as constructed, enlarged or altered exceeds 600 square metres in gross area or three storeys,

D. residential occupancy that exceeds three storeys and any other occupancy, where the building as constructed, enlarged or altered exceeds 600 square metres in gross area, or

viii. any other occupancy where the building as constructed, enlarged or altered exceeds 600 square metres in gross area or three storeys,

but a professional engineer may provide a design for the industrial occupancy of a mixed occupancy described in subparagraph vi.

4. An architect may perform or provide services that are within the practice of professional engineering in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building described in rule 2 or 3 where to do so does not constitute a substantial part of the services within the practice of professional engineering related to the construction, enlargement or alteration of the building and is necessary,

i. for the construction, enlargement or alteration of the building and is incidental to other services provided as part of the practice of architecture by the architect in respect of the construction, enlargement or alteration of the building, or

ii. for co-ordination purposes.

5. A professional engineer may perform or provide services that are within the practice of architecture in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building described in rule 1 or 3 where to do so does not constitute a substantial part of the services within the practice of architecture related to the construction, enlargement or alteration of the building and is necessary,

i. for the construction, enlargement or alteration of the building and is incidental to other services provided as part of the practice of professional engineering by the professional engineer in respect of the construction, enlargement or alteration of the building, or

ii. for co-ordination purposes.

6. Only an architect may carry out or provide the general review of the construction, enlargement or alteration of a building,

i. that is constructed, enlarged or altered in accordance with a design prepared or provided by an architect, or

ii. in relation to services that are provided by an architect in connection with the design in accordance with which the building is constructed, enlarged or altered.

7. Only a professional engineer may carry out or provide the general review of the construction, enlargement or alteration of a building,

i. that is constructed, enlarged or altered in accordance with a design prepared or provided by a professional engineer, or

ii. in relation to services that are provided by a professional engineer in connection with the design in accordance with which the building is constructed, enlarged or altered.

8. A professional engineer or an architect may act as prime consultant for the construction, enlargement or alteration of a building.

9. A reference in these rules to the provision of a design or services by a professional engineer applies equally to a holder of a certificate of authorization.

Idem

(7) Subsections (1) and (2) do not apply to prevent a person from carrying out a general review of the construction, enlargement or alteration of a building that does not or is not intended to take the place of a general review required to be done by a professional engineer.

Interpretation

(8) In this section,

(a) "assembly occupancy" means occupancy for gatherings of persons for civic, educational, political, recreational, religious, social, travel or other similar purpose, or for the consumption of food or drink;

(b) "building" means a structure consisting of a wall, roof and floor, or any one or more of them;

(c) "building area" means the greatest horizontal area of a building within the outside surface of exterior walls or, where a firewall is to be constructed, within the outside surface of exterior walls and the centre line of firewalls;

(d) "business occupancy" means occupancy for the transaction of business;

(e) "construction" means the doing of anything in the erection, installation, extension or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere, and "constructed" has a corresponding meaning;

(f) "design" means a plan, sketch, drawing, graphic representation or specification intended to govern the construction, enlargement or alteration of a building or a part of a building;

(g) "dwelling unit" means a room or suite of rooms used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

(h) "fire separation" means a construction assembly that acts as a barrier against the spread of fire and that may or may not have a fire-resistance rating or a fire-protection rating;

(i) "firewall" means a type of fire separation of noncombustible construction that subdivides a building or separates adjoining buildings to resist the spread of fire and that has a fire-resistance rating as prescribed in Ontario Regulation 583/83 (known as the Building Code), as amended from time to time, and has structural stability to remain intact under fire conditions for the fire-resistance time for which it is rated;

(j) "general review", in relation to the construction, enlargement or alteration of a building, means an examination of the building to determine whether the construction, enlargement or alteration is in general conformity with the design governing the construction, enlargement or alteration, and reporting thereon;

(k) "grade" means the lowest of the average levels of finished ground adjoining each exterior wall of a building, but does not include localized depressions such as for vehicle or pedestrian entrances;

(l) "graphic representation" means a representation produced by electrical, electronic, photographic or printing methods and includes a representation produced on a video display terminal;

(m) "gross area" means the total area of all floors above grade measured between the outside surfaces of exterior walls or, where no access or building service penetrates a firewall, between the outside surfaces of exterior walls and the centre line of firewalls but in a residential occupancy where access or a building service penetrates a firewall, the measurement may be taken to the centre line of the firewall;

(n) "industrial occupancy" means occupancy for assembling, fabricating, manufacturing, processing,

repairing or storing of goods or materials or for producing, converting, processing or storing of energy, waste or natural resources;

(o) "institutional occupancy" means occupancy for the harbouring, housing or detention of persons who require special care or treatment on account of their age or mental or physical limitations or who are involuntarily detained;

(p) "mercantile occupancy" means occupancy or use for displaying or selling retail goods, wares or merchandise;

(q) "personal services occupancy" means occupancy for the rendering or receiving of professional or personal services;

(r) "residential occupancy" means occupancy for providing sleeping accommodation for persons, but does not include institutional occupancy.

Proof of practice

(9) For the purposes of this section, proof of the performance of one act in the practice of professional engineering on one occasion is sufficient to establish engaging in the practice of professional engineering.

Corporation

13. A corporation that holds a certificate of authorization may provide services that are within the practice of professional engineering.

Issuance of licence

14.—(1) The Registrar shall issue a licence to a natural person who applies therefor in accordance with the regulations and,

(a) is a citizen of Canada or has the status of a permanent resident of Canada;

(b) is not less than eighteen years of age;

(c) has complied with the academic requirements specified in the regulations for the issuance of the licence and has passed such examinations as the Council has set or approved in accordance with the regulations or is exempted therefrom by the Council;

(d) has complied with the experience requirements specified in the regulations for the issuance of the licence; and

(e) is of good character.

Grounds for refusal to issue licence

(2) The Registrar may refuse to issue a licence to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of professional engineering in accordance with the law and with honesty and integrity.

Referral to committee

(3) The Registrar, on his own initiative, may refer and on the request of an applicant shall refer the application of the applicant for the issuance of a licence,

(a) to the Academic Requirements Committee for a determination as to whether or not the applicant has met the academic requirements prescribed by the regulations for the issuance of the licence;

(b) to the Experience Requirements Committee for a determination as to whether or not the applicant has met the experience requirements prescribed by the regulations for the issuance of the licence; or

(c) first to the Academic Requirements Committee and then to the Experience Requirements Committee for determinations under clauses (a) and (b).

Determination by committee

(4) A determination by a committee under subsection (3) is final and is binding on the Registrar and on the applicant.

Hearing

(5) A committee shall receive written representations from an applicant but is not required to hold or to afford to any person a hearing or an opportunity to make oral submissions before making a determination under subsection (3).

Notice of determination

(6) The Registrar shall give notice to the applicant of a determination by a committee under subsection (3) and, if the applicant is rejected, the notice shall detail the specific requirements that the applicant must meet.

Issuance of certificate of authorization

15.—(1) The Registrar shall issue a certificate of authorization to a natural person, a partnership or a corporation that applies therefor in accordance with the regulations if the requirements and qualifications for the issuance of the certificate of authorization set out in the regulations are met.

General and standard certificate

(2) Where the Registrar proposes to issue a certificate of authorization to an applicant, the Registrar shall issue a standard certificate of authorization or, where the primary function of the applicant is or will be to provide to the public ser-

vices that are within the practice of professional engineering and the applicant requests a general certificate of authorization, the Registrar shall issue a general certificate of authorization to the applicant.

Partnership of corporations

(3) The Registrar shall issue a standard certificate of authorization to a partnership of corporations that applies therefor in accordance with the regulations if at least one of the corporations holds a certificate of authorization.

Terms and conditions

(4) Where a holder of a temporary licence assumes responsibility for and supervises the practice of professional engineering related to the services provided by the holder of a certificate of authorization, the certificate of authorization is subject to the same terms and conditions prescribed by the regulations that apply to the temporary licence.

Suspension of effect of certificate of authorization

(5) A holder of a certificate of authorization ceases to be entitled to offer to the public or to provide to the public services that are within the practice of professional engineering as soon as there is no holder of a licence or a temporary licence who assumes responsibility for and supervises the practice of professional engineering provided by the holder of the certificate of authorization.

Notice to Registrar by holder of certificate of authorization

(6) The holder of a certificate of authorization must give notice to the Registrar when there ceases to be a holder of a licence or a temporary licence who assumes responsibility for and supervises the practice of professional engineering by the holder of the certificate of authorization and when the holder of the certificate of authorization designates another holder of a licence or a temporary licence to assume such responsibility and carry out such supervision.

Notice to Registrar by person in position of professional responsibility

(7) A holder of a licence or a temporary licence who ceases to be responsible for and to supervise the practice of professional engineering by a holder of a certificate of authorization as the person so designated by the holder of the certificate of authorization shall give notice of the cessation forthwith to the Registrar.

Past conduct

(8) The Registrar may refuse to issue or may suspend or revoke a certificate of authorization where the Registrar is of the opinion, upon reasonable and probable grounds,

(a) that the past conduct of a person who is in a position of authority or responsibility in the operation of the business of the applicant for or the holder of the certificate of authorization affords grounds for the belief that the applicant or holder will not

engage in the business of providing services that are within the practice of professional engineering in accordance with the law and with honesty and integrity;

(b) that the holder of the certificate of authorization does not meet the requirements or the qualifications for the issuance of the certificate of authorization set out in the regulations; or

(c) that there has been a breach of a condition of the certificate of authorization.

Issuance of licence or certificate of authorization on direction of Council

16. The Registrar shall issue a licence or a certificate of authorization upon a direction of the Council made in accordance with a recommendation by the Joint Practice Board.

Supervision by professional engineer

17.—(1) It is a condition of every certificate of authorization that the holder of the certificate shall provide services that are within the practice of professional engineering only under the personal supervision and direction of a member of the Association or the holder of a temporary licence.

Professional responsibility of supervising professional engineer

(2) A member of the Association or a holder of a temporary licence who personally supervises and directs the providing of services within the practice of professional engineering by a holder of a certificate of authorization or who assumes responsibility for and supervises the practice of professional engineering related to the providing of services by a holder of a certificate of authorization is subject to the same standards of professional conduct and competence in respect of the services and the related practice of professional engineering as if the services were provided or the practice of professional engineering was engaged in by the member of the Association or the holder of the temporary licence.

Issuance of temporary licence or limited licence

18.—(1) The Registrar shall issue a temporary licence or a limited licence to a natural person who applies therefor in accordance with the regulations and who meets the requirements and qualifications for the issuance of the temporary licence or the limited licence set out in the regulations, provided that, in the case of a limited licence, the applicant is a Canadian citizen or has the status of a permanent resident of Canada.

Grounds for refusal, suspension or revocation

(2) The Registrar may refuse to issue or may suspend or revoke a temporary licence or a limited licence where the

Registrar is of the opinion, upon reasonable and probable grounds,

(a) that the past conduct of the applicant for or the holder of the temporary licence or the limited licence affords grounds for the belief that the applicant or holder will not engage in the practice of professional engineering in accordance with the law and with honesty and integrity;

(b) that the holder of the temporary licence or the limited licence does not meet the requirements or the qualifications for the issuance of the temporary licence or the limited licence set out in the regulations; or

(c) that there has been a breach of a condition of the temporary licence or the limited licence.

Referral to committee

(3) Subsections 14 (3) to (6) (which relate to the Academic Requirements Committee and the Experience Requirements Committee) apply with necessary modifications in respect of an applicant for a temporary licence or a limited licence.

Application of subs. (1)

(4) Subsection (1) does not apply in respect of a member of the Association or a holder of a certificate of authorization.

Membership

(5) A holder of a temporary licence or a limited licence is not a member of the Association.

Hearing by Registration Committee

19.—(1) Where the Registrar proposes,

(a) to refuse to issue a licence; or

(b) to refuse to issue, to suspend or to revoke a temporary licence, a limited licence or a certificate of authorization,

the Registrar shall serve notice of his proposal, together with written reasons therefor, on the applicant.

Exceptions

(2) Subsection (1) does not apply in respect of a proposal to refuse to issue a licence, a temporary licence or a limited licence where,

(a) the Academic Requirements Committee has determined that the applicant has not met the academic requirements set out in the regulations for the issuance of the licence, the temporary licence or the limited licence;

(b) the Experience Requirements Committee has determined that the applicant has not met the experience requirements set out in the regulations for the issuance of the licence, the temporary licence or the limited licence; or

(c) the applicant previously held a licence, a certificate of authorization, a temporary licence or a limited licence that was suspended or revoked as a result of a decision of the Discipline Committee.

Notice

(3) A notice under subsection (1) shall state that the applicant is entitled to a hearing by the Registration Committee if the applicant mails or delivers, within thirty days after the notice under subsection (1) is served on the applicant, notice in writing requiring a hearing by the Registration Committee and the applicant may so require such a hearing.

Power of Registrar where no hearing

(4) Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (3), the Registrar may carry out the proposal stated in the notice under subsection (1).

Hearing by Registration Committee

(5) Where an applicant requires a hearing by the Registration Committee in accordance with subsection (3), the Registration Committee shall appoint a time for, give notice of and shall hold the hearing.

Continuation on expiry of committee membership

(6) Where a proceeding is commenced before the Registration Committee and the term of office on the Council or on the committee of a member sitting for the hearing expires or is terminated other than for cause before the proceeding is disposed of but after evidence is heard, the member shall be deemed to remain a member of the Registration Committee for the purpose of completing the disposition of the proceeding in the same manner as if the member's term of office had not expired or been terminated.

Powers of Registration Committee

(7) Following upon a hearing under this section in respect of a proposal by the Registrar, the Registration Committee may, by order,

(a) where the committee is of the opinion upon reasonable grounds that the applicant meets the requirements and qualifications of this Act and the regulations and will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity, direct the Registrar to issue a licence, certificate of

authorization, temporary licence or limited licence, as the case may be, to the applicant;

(b) where the committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations,

(i) direct the Registrar to refuse to issue a licence, certificate of authorization, temporary licence or limited licence, or to suspend or revoke the certificate of authorization issued to the applicant, as the case may be, or

(ii) where the committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of professional engineering with competence and integrity, exempt the applicant from any of the requirements of this Act and the regulations and direct the Registrar to issue a licence, certificate of authorization, temporary licence or limited licence, as the case may be; or

(c) where the committee is of the opinion upon reasonable grounds that it is necessary in order to ensure that the applicant will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity, direct the Registrar to issue a licence, certificate of authorization, temporary licence or limited licence, as the case may be, subject to such terms, conditions or limitations as the Registration Committee specifies.

Extension of time for requiring hearing

(8) The Registration Committee may extend the time for the giving of notice requiring a hearing by an applicant under this section before or after the expiration of such time where it is satisfied that there are apparent grounds for granting relief to the applicant following upon a hearing and that there are reasonable grounds for applying for the extension, and the Registration Committee may give such directions as it considers proper consequent upon the extension.

Parties

(9) The Registrar and the applicant who has required the hearing are parties to proceedings before the Registration Committee under this section.

Opportunity to show compliance

(10) The applicant shall be given a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue of the licence, the certificate of authorization, the temporary licence or the limited licence.

Examination of documentary evidence

(11) A party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(12) Members of the Registration Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Registration Committee may seek legal advice from an adviser independent from the parties and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording of evidence

(13) The oral evidence taken before the Registration Committee at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Only members at hearing to participate in decision

(14) No member of the Registration Committee shall participate in a decision of the Registration Committee following upon a hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(15) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person by the Registration Committee within a reasonable time after the matter in issue has been finally determined.

Applicant

(16) In this section, "applicant" means applicant for a licence or applicant for or holder of a temporary licence, a limited licence or a certificate of authorization.

Fiduciary, etc., relationship between corporation and client

20. A corporation that holds a certificate of authorization has the same rights and is subject to the same obligations in respect of fiduciary, confidential and ethical relationships with each client of the corporation that exist at law between a member of the Association and his client.

Registers

21.—(1) The Registrar shall maintain one or more registers in which is entered every person who is licensed under this Act and every holder of a certificate of authorization, temporary licence or limited licence, identifying the terms, conditions and limitations attached to the licence, certificate of authorization, temporary licence or limited licence, and shall note on the register every revocation, suspension and cancellation or termination of a licence, certificate of authorization, temporary licence or limited licence and such other information as the Registration Committee or Discipline Committee directs.

Inspection

(2) Any person has the right, during normal business hours, to inspect the registers maintained by the Registrar.

Copies

(3) The Registrar shall provide to any person, upon payment of a reasonable charge therefor, a copy of any part of the registers mentioned in subsection (1) maintained by the Registrar.

Continuation of memberships

22.—(1) Every person who is a member of the Association immediately before this Act comes into force shall be deemed to be the holder of a licence and is a member of the Association.

Continuation of licences and certificates

(2) Every licence or certificate of authorization issued under the *Professional Engineers Act*, being chapter 394 of the Revised Statutes of Ontario, 1980, or a predecessor thereof, and in effect immediately before this Act comes into force continues in the same manner as if issued as a temporary licence or a standard certificate of authorization, as the case requires, under this Act.

Cancellation for default of fees

23.—(1) The Registrar may cancel a licence, certificate of authorization, temporary licence or limited licence for non-payment of any fee prescribed by the regulations or the by-laws after giving the member or the holder of the certificate of authorization, temporary licence or limited licence at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of his professional conduct while a member or holder.

Reinstatement

(2) A person who was a member of the Association or a holder of a certificate of authorization, temporary licence or limited licence whose licence, certificate of authorization, temporary licence or limited licence was cancelled by the Registrar under subsection (1) is entitled to have the licence, certificate of authorization, temporary licence or limited licence

reinstated upon compliance with the requirements and qualifications prescribed by the regulations.

Complaints Committee

24.—(1) The Complaints Committee shall be composed of not fewer than three members of the Association appointed to the Committee by the Council, including at least one member of the Council who was appointed to the Council by the Lieutenant Governor in Council.

Idem

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman

(3) The Council shall name one member of the Complaints Committee to be chairman.

Quorum

(4) Three members of the Complaints Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum.

Duties of Complaints Committee

25.—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Association regarding the conduct or actions of a member of the Association or holder of a certificate of authorization, a temporary licence or a limited licence, but no action shall be taken by the Committee under subsection (2) unless,

(a) a written complaint in a form that shall be provided by the Association has been filed with the Registrar and the member or holder whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the member or holder may wish to make concerning the matter; and

(b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

Idem

(2) The Committee in accordance with the information it receives may,

(a) direct that the matter be referred, in whole or in part, to the Discipline Committee;

(b) direct that the matter not be referred under clause (a); or

(c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.

Decision and reasons

(3) The Committee shall give its decision in writing to the Registrar for the purposes of subsection (4) and, where the decision is made under clause (2) (b), its reasons therefor.

Notice

(4) The Registrar shall send to the complainant and to the person complained against by prepaid first class mail a copy of the written decision made by the Complaints Committee and its reasons therefor, if any, together with notice advising the complainant of his right to apply to the Complaints Review Councillor under section 27.

Hearing

(5) The Committee is not required to hold a hearing or to afford to any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this section.

Complaints Review Councillor

26.—(1) There shall be a Complaints Review Councillor who shall be appointed by and from among the members of the Council appointed by the Lieutenant Governor in Council under clause 3 (2) (c).

Idem

(2) The Complaints Review Councillor is not eligible to be a member of the Complaints Committee or the Fees Mediation Committee.

Examination by Complaints Review Councillor

27.—(1) The Complaints Review Councillor may examine from time to time the procedures for the treatment of complaints by the Association.

Review by Complaints Review Councillor

(2) Where a complaint respecting a member of the Association or a holder of a certificate of authorization, a temporary licence or a limited licence has not been disposed of by the Complaints Committee within ninety days after the complaint is filed with the Registrar, upon application by the complainant or on his own initiative the Complaints Review Councillor may review the treatment of the complaint by the Complaints Committee.

Application to Complaints Review Councillor

(3) A complainant who is not satisfied with the handling by the Complaints Committee of his complaint to the Committee may apply to the Complaints Review Councillor for a review of the treatment of the complaint after the Committee has disposed of the complaint.

Complaints Review Councillor not to inquire into merit of complaint

(4) In an examination or review in respect of the Association, the Complaints Review Councillor shall not inquire into the merits of any particular complaint made to the Association.

Discretionary power of Complaints Review Councillor

(5) The Complaints Review Councillor in his discretion may decide in a particular case not to make a review or not to continue a review in respect of the Association where,

(a) the review is or would be in respect of the treatment of a complaint that was disposed of by the Association more than twelve months before the matter came to the attention of the Complaints Review Councillor; or

(b) in the opinion of the Complaints Review Councillor,

(i) the application to the Complaints Review Councillor is frivolous or vexatious or is not made in good faith, or

(ii) the person who has made application to the Complaints Review Councillor has not a sufficient personal interest in the subject-matter of the particular complaint.

Notice

(6) Before commencing an examination or review in respect of the Association, the Complaints Review Councillor shall inform the Association of his intention to commence the examination or review.

Office accommodation

(7) The Council shall provide to the Complaints Review Councillor such accommodation and support staff in the offices of the Association as are necessary to the performance of the powers and duties of the Complaints Review Councillor.

Privacy

(8) Every examination or review by the Complaints Review Councillor in respect of the Association shall be conducted in private.

Receipt of information

(9) In conducting an examination or review in respect of the Association, the Complaints Review Councillor may hear or obtain information from any person and may make such inquiries as he thinks fit.

Hearing not required

(10) The Complaints Review Councillor is not required to hold or to afford to any person an opportunity for a hearing in

relation to an examination, review or report in respect of the Association.

Duty to furnish information

(11) Every person who is,

(a) a member of the Council;

(b) an officer of the Association;

(c) a member of a committee of the Association; or

(d) an employee of the Association,

shall furnish to the Complaints Review Councillor such information regarding any proceedings or procedures of the Association in respect of the treatment of complaints made to the Association as the Complaints Review Councillor from time to time requires, and shall give the Complaints Review Councillor access to all records, reports, files and other papers and things belonging to or under the control of the Association or any of such persons and that relate to the treatment by the Association of complaints or any particular complaint.

Report by Complaints Review Councillor

(12) The Complaints Review Councillor shall make a report following upon each examination or review by him in respect of the Association.

Report following upon examination

(13) Where the report follows upon an examination of the procedure for the treatment of complaints by the Association, the Complaints Review Councillor shall transmit the report to the Council.

Report following upon review

(14) Where the report follows upon a review of the treatment of a complaint by the Association, the Complaints Review Councillor shall transmit the report to the Council, to the complainant and to the person complained against.

Report to Minister

(15) The Complaints Review Councillor may transmit a report following upon an examination or review to the Minister where, in the opinion of the Complaints Review Councillor, the report should be brought to the attention of the Minister.

Recommendations

(16) The Complaints Review Councillor may include in a report following upon an examination or review his recommendations in respect of the procedures of the Association, either generally or with respect to the treatment of a particular complaint.

Consideration by Council

(17) The Council shall consider each report, and any recommendations included in the report, transmitted to it by the Complaints Review Councillor and shall notify the Complaints Review Councillor of any action it has taken in consequence.

Discipline Committee

28.—(1) The Discipline Committee shall be composed of,

(a) at least one person appointed to the Discipline Committee by the Council from among the members of the Council elected to the Council;

(b) at least one person who is a member of the Association and who is a member of the Council appointed by the Lieutenant Governor in Council; and

(c) the persons appointed to the Committee by the Council from among the members of the Association who have not less than ten years experience in the practice of professional engineering.

Quorum and votes

(2) Five members of the Discipline Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council and one shall be a person elected to the Council, constitute a quorum, and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee present at the meeting.

Disability of member

(3) Where the Discipline Committee commences a hearing and the member or members thereof who are appointed to the Council by the Lieutenant Governor in Council or who are elected members of the Council become unable to continue to act, the remaining members may complete the hearing notwithstanding the absence of the member or members and may render a decision as effectually as if all members of the Discipline Committee were present throughout the hearing, notwithstanding the absence of a quorum of the Committee.

Chairman

(4) The members of the Discipline Committee shall name one of them to be chairman of the Discipline Committee.

Reference by Council or Executive Committee

(5) The Council or the Executive Committee, by resolution, may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct or incompetence on the part of a member of the Association or a holder of a certificate of authorization, a temporary licence or a limited licence specified in the resolution.

Duties of Discipline Committee

29.—(1) The Discipline Committee shall,

(a) when so directed by the Council, the Executive Committee or the Complaints Committee, hear and determine allegations of professional misconduct or incompetence against a member of the Association or a holder of a certificate of authorization, a temporary licence or a limited licence;

(b) hear and determine matters referred to it under section 25, 28 or 38; and

(c) perform such other duties as are assigned to it by the Council.

Professional misconduct

(2) A member of the Association or a holder of a certificate of authorization, a temporary licence or a limited licence may be found guilty of professional misconduct by the Committee if,

(a) the member or holder has been found guilty of an offence relevant to suitability to practise, upon proof of such conviction;

(b) the member or holder has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

Incompetence

(3) The Discipline Committee may find a member of the Association or a holder of a temporary licence or a limited licence to be incompetent if in its opinion,

(a) the member or holder has displayed in his professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of the public of a nature or to an extent that demonstrates the member or holder is unfit to carry out the responsibilities of a professional engineer; or

(b) the member or holder is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member or holder that the member or holder no longer be permitted to engage in the practice of professional engineering or that his practice of professional engineering be restricted.

Powers of Discipline Committee

(4) Where the Discipline Committee finds a member of the Association or a holder of a certificate of authorization, a temporary licence or a limited licence guilty of professional misconduct or to be incompetent it may, by order,

(a) revoke the licence of the member or the certificate of authorization, temporary licence or limited licence of the holder;

(b) suspend the licence of the member or the certificate of authorization, temporary licence or limited licence of the holder for a stated period, not exceeding twenty-four months;

(c) accept the undertaking of the member or holder to limit the professional work of the member or holder in the practice of professional engineering to the extent specified in the undertaking;

(d) impose terms, conditions or limitations on the licence or certificate of authorization, temporary licence or limited licence, of the member or holder, including but not limited to the successful completion of a particular course or courses of study, as are specified by the Discipline Committee;

(e) impose specific restrictions on the licence or certificate of authorization, temporary licence or limited licence, including but not limited to,

(i) requiring the member or the holder of the certificate of authorization, temporary licence or limited licence to engage in the practice of professional engineering only under the personal supervision and direction of a member,

(ii) requiring the member to not alone engage in the practice of professional engineering,

(iii) requiring the member or the holder of the certificate of authorization, temporary licence or limited licence to accept periodic inspections by the Committee or its delegate of documents and records in the possession or under the control of the member or the holder in connection with the practice of professional engineering,

(iv) requiring the member or the holder of the certificate of authorization, temporary licence or limited licence to report to the Registrar or to such committee of the Council as the Discipline Committee may specify on such matters in respect of the member's or holder's practice for such period of time, at such times and in

such form, as the Discipline Committee may specify;

(f) require that the member or the holder of the certificate of authorization, temporary licence or limited licence be reprimanded, admonished or counselled and, if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register for a stated or unlimited period of time;

(g) revoke or suspend for a stated period of time the designation of the member or holder by the Association as a specialist, consulting engineer or otherwise;

(h) impose such fine as the Discipline Committee considers appropriate, to a maximum of $5,000, to be paid by the member of the Association or the holder of the certificate of authorization, temporary licence or limited licence to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;

(i) subject to subsection (5) in respect of orders of revocation or suspension, direct that the finding and the order of the Discipline Committee be published in detail or in summary and either with or without including the name of the member or holder in the official publication of the Association and in such other manner or medium as the Discipline Committee considers appropriate in the particular case;

(j) fix and impose costs to be paid by the member or the holder to the Association;

(k) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms or for such purpose, including but not limited to,

(i) the successful completion by the member or the holder of the temporary licence or the limited licence of a particular course or courses of study,

(ii) the production to the Discipline Committee of evidence satisfactory to it that any physical or mental handicap in respect of which the penalty was imposed has been overcome,

or any combination of them.

Publication of revocation or suspension

(5) The Discipline Committee shall cause an order of the Committee revoking or suspending a licence or certificate of authorization, temporary licence or limited licence to be published, with or without the reasons therefor, in the official publication of the Association together with the name of the member or holder of the revoked or suspended licence or certificate of authorization, temporary licence or limited licence.

Publication on request

(6) The Discipline Committee shall cause a determination by the Committee that an allegation of professional misconduct or incompetence was unfounded to be published in the official publication of the Association, upon the request of the member of the Association or the holder of the certificate of authorization, temporary licence or limited licence against whom the allegation was made.

Costs

(7) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Association reimburse the member of the Association or the holder of the certificate of authorization, temporary licence or limited licence for his costs or such portion thereof as the Discipline Committee fixes.

Stay of decision on appeal, incompetence

30.—(1) Where the Discipline Committee revokes, suspends or restricts a licence, temporary licence or limited licence on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision, unless the court to which the appeal is taken otherwise orders, and, where the court is satisfied that it is appropriate in the circumstances, the court may so order.

Stay of decision on appeal, professional misconduct

(2) Where the Discipline Committee revokes, suspends or restricts a licence or a certificate of authorization, temporary licence or limited licence on grounds other than for incompetence, the order does not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, unless the Discipline Committee otherwise orders, and, where the Committee considers that it is appropriate for the protection of the public, the Committee may so order.

Discipline proceedings, parties

31.—(1) In proceedings before the Discipline Committee, the Association and the member of the Association or the holder of a certificate of authorization, a temporary licence or a limited licence whose conduct is being investigated in the proceedings are parties to the proceedings.

Examination of documentary evidence

(2) A member or holder of a certificate of authorization, a temporary licence or a limited licence whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Council considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from an adviser independent from the parties and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

In camera R.S.O. 1980, c. 484

(4) Notwithstanding anything in the *Statutory Powers Procedure Act*, hearings of the Discipline Committee shall be held *in camera*, but, if the party whose conduct is being investigated requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the committee shall conduct the hearing in public except where,

(a) matters involving public security may be disclosed; or

(b) the possible disclosure of intimate financial or personal matters of a person other than the person whose conduct is being investigated outweighs the desirability of holding the hearing in public.

Recording of evidence

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies of a transcript thereof shall be furnished only to the parties upon the same terms as in the Supreme Court.

Evidence R.S.O.1980, c. 484

(6) Notwithstanding the *Statutory Powers Procedure Act*, nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it.

Only members at hearing to participate in decision

(7) No member of the Discipline Committee shall participate in a decision of the Committee following upon a hearing

unless he was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the party who produced them, be returned by the Committee within a reasonable time after the matter in issue has been finally determined.

Continuation of expiry of Committee membership

(9) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated, other than for cause, before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Service of decision of Discipline Committee

(10) Where the Discipline Committee finds a member of the Association or a holder of a certificate of authorization, temporary licence or limited licence guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member or holder.

Appeal to court

32.—(1) A party to proceedings before the Registration Committee or the Discipline Committee may appeal to the Divisional Court, in accordance with the rules of court, from the decision or order of the committee.

Certified copy of record

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee therefor, the Registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Powers of court on appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Fees Mediation Committee

33.—(1) No person who is a member of the Complaints Committee or the Discipline Committee shall be a member of the Fees Mediation Committee.

Duties of Fees Mediation Committee

(2) The Fees Mediation Committee,

(a) shall, unless the Committee considers it inappropriate to do so, mediate any written complaint by a client of a member of the Association or of a holder of a certificate of authorization, a temporary licence or limited licence in respect of a fee charged for professional engineering services provided to the client; and

(b) shall perform such other duties as are assigned to it by the Council.

Arbitration by Fees Mediation Committee

(3) The Fees Mediation Committee, with the written consent of all parties to the dispute, may arbitrate a dispute in respect of a fee between a client and a member of the Association or a holder of a certificate of authorization, temporary licence or limited licence and in that case the decision of the Fees Mediation Committee is final and binding on all parties to the dispute.

Application of R.S.O.1980, c. 25

(4) Where the Fees Mediation Committee acts as arbitrator under subsection (3), the *Arbitrations Act* does not apply.

Enforcement

(5) A decision by the Fees Mediation Committee under subsection (3), exclusive of the reasons therefor, certified by the Registrar, may be filed with the Supreme Court or a county or district court and when filed the decision may be enforced in the same manner as a judgment of the court.

Registrar's investigation

34.—(1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a holder of a certificate of authorization, a temporary licence or limited licence has committed an act of professional misconduct or incompetence or that there is cause to refuse to issue or to suspend or revoke a certificate of authorization, the Registrar by order may appoint one or more persons to investigate whether such act has occurred or there is such cause, and the person or persons appointed shall report the result of the investigation to the Registrar.

Powers of investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member or holder of the certificate of authorization, temporary licence or limited licence in respect of whom the investi-

gation is being made and may, upon production of his appointment, enter at any reasonable time the business premises of the member or holder and examine books, records, documents and things relevant to the subject-matter of the investigation and, for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of the *Public Inquiries Act,* which Part applies to such inquiry as if it were an inquiry under that Act.

R.S.O. 1980, c. 411

Obstruction of investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Order by provincial judge

(4) Where a provincial judge is satisfied on evidence upon oath,

(a) that the Registrar had grounds for appointing and by order has appointed one or more persons to make an investigation; and

(b) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the member of the Association or holder of a certificate of authorization, a temporary licence or a limited licence whose affairs are being investigated and to the subject-matter of the investigation,

the provincial judge may issue an order authorizing the person or persons making the investigation, together with such police officer or officers as they call upon to assist them, to enter and search, by force if necessary, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them.

Execution of order

(5) An order issued under subsection (4) shall be executed at reasonable times as specified in the order.

Expiry of order

(6) An order issued under subsection (4) shall state the date on which it expires, which shall be a date not later than fifteen days after the order is issued.

Ex parte application

(7) A provincial judge may receive and consider an application for an order under subsection (4) without notice to and in the absence of the member of the Association or holder of a certificate of authorization, temporary licence or a limited licence whose affairs are being investigated.

Removal of books, etc.

(8) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under this section relating to the member or holder whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member or holder whose practice is being investigated.

Admissibility of copies

(9) Any copy made as provided in subsection (8) and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as proof in the absence of evidence to the contrary of the original book, record or document and its contents.

Report of Registrar

(10) The Registrar shall report the results of the investigation to the Council or such committee as the Registrar considers appropriate.

Liability insurance

35. It is a condition of every certificate of authorization that the holder of the certificate shall not offer or provide to the public services that are within the practice of professional engineering unless the holder is insured in respect of professional liability in accordance with the regulations.

Interpretation

36.—(1) In this section, "insurer" means a person offering insurance in respect of liability incurred in the practice of professional engineering.

Information re insurance claims

(2) Upon the request of the Registrar, an insurer shall furnish to the Registrar all documents that relate to a claim for indemnity in respect of the practice of professional engineering and that are in the possession or under the control of the insurer and have been prepared by a professional engineer and relate to engineering matters.

Exception

(3) Subsection (2) does not apply in respect of a document prepared by an insured person related to a claim for indemnity in respect of the practice of professional engineering by the insured person.

Transmittal of information

(4) The Registrar may forward any information referred to in subsection (2) to the Council or to such committee as the Registrar considers appropriate.

Surrender of revoked licence or certificate

37. Where a licence, certificate of authorization, temporary licence or limited licence is revoked or cancelled, the former holder thereof shall forthwith deliver the licence, certi-

ficate of authorization, temporary licence or limited licence and related seal to the Registrar.

Application for licence, etc., after revocation

38.—(1) A person whose licence, certificate of authorization, temporary licence or limited licence has been revoked for cause under this Act, or whose membership has been cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence, certificate of authorization, temporary licence or limited licence, but such application shall not be made sooner than two years after the revocation.

Removal of suspension

(2) A person whose licence, certificate of authorization, temporary licence or limited licence has been suspended for cause under this Act, or whose membership has been suspended for cause under a predecessor of this Act, may apply in writing to the Registrar for the removal of the suspension, but, where the suspension is for more than one year, the application shall not be made sooner than one year after the commencement of the suspension.

Reference to Discipline Committee

(3) The Registrar shall refer an application under subsection (1) or (2) in respect of a licence or a certificate of authorization, a temporary licence or a limited licence to the Discipline Committee which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and the applicant.

Procedures

(4) The provisions of this Act applying to hearings by the Registration Committee, except section 32, apply with necessary modifications to proceedings of the Discipline Committee or the Registration Committee under this section.

Confidentiality

39.—(1) Every person engaged in the administration of this Act, including any person making an examination or review under section 27 or an investigation under section 34, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, examination, review or investigation and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of,

(i) this Act and the regulations and by-laws, or

1984, c. 12

(ii) the *Architects Act, 1984* and the regulations and by-laws under that Act,

or any proceedings under,

(iii) this Act or the regulations, or

(iv) the *Architects Act, 1984* or the regulations under that Act; 1984, c. 12

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

Testimony in civil action

(2) No person to whom subsection (1) applies shall be required to give testimony or to produce any book, record, document or thing in any action or proceeding with regard to information obtained by him in the course of his duties, employment, examination, review or investigation except in a proceeding under this Act or the regulations or by-laws or a proceeding under the *Architects Act, 1984* or the regulations or by-laws under that Act.

Order directing compliance

40.—(1) Where it appears to the Association that any person does not comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Association may apply to a judge of the High Court for an order directing the person to comply with the provision, and upon the application the judge may make the order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Court of Appeal from an order made under subsection (1).

Penalties

41.—(1) Every person who contravenes section 12 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than $15,000 and for each subsequent offence to a fine of not more than $30,000.

Idem, use of term "professional engineer", etc.

(2) Every person who is not a holder of a licence or a temporary licence and who,

(a) uses the title "professional engineer" or an abbreviation or variation thereof as an occupational or business designation;

(b) uses a term, title or description that will lead to the belief that the person may engage in the practice of professional engineering; or

(c) uses a seal that will lead to the belief that the person is a professional engineer,

is guilty of an offence and on conviction is liable for the first offence to a fine of not more than $5,000 and for each subsequent offence to a fine of not more than $15,000.

Idem, services of professional engineer

(3) Every person who is not acting under and in accordance with a certificate of authorization and who,

(a) uses a term, title or description that will lead to the belief that the person may provide to the public services that are within the practice of professional engineering; or

(b) uses a seal that will lead to the belief that the person may provide to the public services that are within the practice of professional engineering,

is guilty of an offence and on conviction is liable for the first offence to a fine of not more than $5,000 and for each subsequent offence to a fine of not more than $15,000.

Idem

(4) Any person who obstructs a person appointed to make an investigation under section 34 in the course of his or her duties is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Idem, director or officer of corporation

(5) Where a corporation is guilty of an offence under subsection (1), (2), (3) or (4), every director or officer of the corporation who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than $30,000.

Idem, partner

(6) Where a person who is guilty of an offence under subsection (1), (2), (3) or (4) is a member or an employee of a partnership, every member of the partnership who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than $30,000.

Limitation

(7) Proceedings shall not be commenced in respect of an offence under subsection (1), (2), (3), (4), (5) or (6) after two years after the date on which the offence was, or is alleged to have been, committed.

Application of subs. (2)

(8) Subsection (2) does not apply to a holder of a limited licence who uses a term, title or description authorized or permitted by the regulations.

Falsification of documents

42.—(1) Any person who makes or causes to be made a wilful falsification in a matter relating to a register or issues a false licence, certificate, temporary licence, limited licence or

document with respect to registration is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Offences for false representation

(2) Every person who wilfully procures or attempts to procure the issuance of a licence, a certificate of authorization, a temporary licence or a limited licence under this Act by knowingly making a false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on conviction is liable to a fine of not more than $5,000, and every person knowingly aiding and assisting such person therein is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Limitation period

(3) Proceedings to obtain a conviction for an offence under subsection (1) or (2) shall not be commenced after the expiration of six months after the date on which the offence was, or is alleged to have been, committed.

Onus of proof respecting licensing

43. Where licensing or the holding of a certificate of authorization, a temporary licence or a limited licence or acting under and in accordance with a certificate of authorization under this Act is required to permit the lawful doing of an act or thing, if in any prosecution it is proven that the defendant has done the act or thing, the burden of proving that he was so licensed or that he held a subsisting certificate of authorization, temporary licence or limited licence or that he acted under and in accordance with a certificate of authorization under this Act rests upon the defendant.

Service of notice or document

44.—(1) A notice or document under this Act or the regulations is sufficiently given, served or delivered if delivered personally or by mail.

Idem

(2) Where a notice or document under this Act or the regulations is sent to a person by mail addressed to the person at the last address of the person in the records of the Association, there is a rebuttable presumption that the notice or document is delivered to the person on the tenth day after the day of mailing.

Registrar's certificate as evidence

45. Any statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the Association, is admissible in evidence in all courts as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal.

Immunity of Association

46.—(1) No action or other proceeding for damages shall be instituted against the Association, a committee of the

Association or a member of the Association or committee of the Association, or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Councillor indemnified in suits respecting execution of his office

(2) Every member of the Council, a committee of the Association and every officer and employee of the Association, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Association, given by the members of the Association, from time to time and at all times, be indemnified and saved harmless out of the funds of the Association, from and against,

(a) all costs, charges and expenses whatsoever that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and

(b) all other costs, charges and expenses that he sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

Limitation of action

47.—(1) Proceedings shall not be commenced against a member of the Association or a holder of a certificate of authorization, a temporary licence or a limited licence for damages arising from the provision of a service that is within the practice of professional engineering after twelve months after the date on which the service was, or ought to have been, performed.

Extension of time

(2) The court in which an action mentioned in subsection (1) has been or may be brought may extend the limitation period specified in subsection (1) before or after the expiration of the period if the court is satisfied that there are apparent grounds for the proceedings and that there are reasonable grounds for applying for the extension.

Application

(3) Subsections (1) and (2) do not apply to proceedings under any other section of this Act.

Joint Practice Board

48.—(1) The Council shall appoint to the Joint Practice Board (composed of a chairman, three members representing

the Ontario Association of Architects and three members representing the Association of Professional Engineers of Ontario) the three members of the Joint Practice Board representing the Association and shall prescribe the term of each appointment.

Recommendation

(2) The Joint Practice Board may recommend to the Council that the Council direct the Registrar to issue a licence or a certificate of authorization to a holder of a certificate of practice issued under the *Architects Act, 1984*.

1984, c. 12

Direction by Council

(3) The Council, upon the recommendation of the Joint Practice Board, may direct the Registrar to issue a licence or a certificate of authorization to a holder of a certificate of practice under the *Architects Act, 1984* and, if the Council does not direct the issuance of the licence or the certificate of authorization, the Council shall give its reasons therefor in writing to the Joint Practice Board and to the applicant for the licence or the certificate of authorization.

Referral of dispute to Joint Practice Board

(4) Where a dispute arises between an architect and a professional engineer or a holder of a certificate of authorization as to jurisdiction in respect of professional services, the Registrar may refer the matter to the Joint Practice Board and the Joint Practice Board shall consider the matter and assist the architect and the professional engineer or the holder of the certificate of authorization to resolve the dispute in accordance with the rules in section 12.

Commencement of proceedings

(5) Proceedings shall not be commenced under this Act in respect of a matter mentioned in subsection (4) except upon the certificate of the chairman of the Joint Practice Board that the Board has considered the matter and has been unable to resolve the dispute.

Certificate

(6) The certificate of the chairman is admissible in evidence in all courts as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the chairman.

Annual report

49.—(1) The Council shall make a report annually to the Minister containing such information as the Minister requires.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Application of R.S.O. 1980, c. 95

50.—(1) The *Corporations Act* does not apply in respect of the Association except for the following sections of that

Act which shall apply with necessary modifications in respect of the Association:

1. Section 81 (which relates to liability for wages).

2. Section 94 (which relates to auditors) and, for the purpose, the Minister shall be deemed to be the Minister referred to in the section.

3. Subsection 95 (1) (which relates to the auditor's qualifications) and, for the purpose, the subsection shall be deemed not to include,

    i. the exception as provided in subsection 95 (2), and

    ii. the reference to an affiliated company.

4. Section 96 (which relates to the auditor's functions).

5. Subsection 97 (1), exclusive of clause 97 (1) (b), (which relates to the auditor's report) and, for the purpose, the Association shall be deemed to be a private company.

6. Subsection 97 (3) (which relates to the auditor's report).

7. Section 122 (which relates to the liability of members).

8. Section 276 (which relates to the holding of land) and, for the purpose, the Minister shall be deemed to be the Minister referred to in the section.

9. Section 280 (which relates to making contracts).

10. Section 281 (which relates to power of attorney).

11. Section 282 (which relates to authentication of documents) except in respect of information from the records required to be kept by the Registrar.

12. Section 292 (which relates to validity of acts of directors).

13. Section 297 (which relates to directions by a court as to holding a meeting).

14. Section 299 (which relates to minutes of meetings).

15. Section 302 (which relates to books of account).

16. Section 303 (which relates to untrue entries) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.

17. Section 304 (which relates to the place of keeping and the inspection of records) and, for the purpose,

    i. the section shall be deemed not to refer to sections 41 and 43 of that Act, and

    ii. the Minister shall be deemed to be the Minister referred to in the section.

18. Section 305 (which relates to inspection of records) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.

19. Section 310 (which relates to investigations and audits).

20. Section 323 (which relates to evidence of by-laws and certificates of amounts due).

21. Section 329 (which relates to removal of proceedings into the Supreme Court).

22. Section 330 (which relates to appeals).

23. Section 331 (which relates to untrue statements) and, for the purpose,

    i. the section shall be deemed not to refer to regulations made under that Act, and

    ii. the Minister and the Deputy Minister to the Minister shall be deemed to be the Minister and the Deputy Minister referred to in the section.

24. Section 333 (which relates to orders by the court) and, for the purpose, the section shall be deemed not to refer to creditors.

Interpretation

(2) For the purposes of subsection (1), a member of the Association shall be deemed to be a shareholder.

Repeal

51.—(1) The *Professional Engineers Act*, being chapter 394 of the Revised Statutes of Ontario, 1980, is repealed.

References R.S.O.1980, c. 394

(2) Any reference in any Act or regulation to the *Professional Engineers Act* shall be deemed to be a reference to this Act.

Idem

(3) Any reference in any Act or regulation to a professional engineer as a member of the Association under the *Professional Engineers Act* shall be deemed to be a reference to a professional engineer licensed under this Act.

Commencement

52. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

53. The short title of this Act is the *Professional Engineers Act, 1984*.

CHAPTER 14

An Act in respect of Extra-Provincial Corporations

Assented to May 29th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(a) "business" includes undertaking and non-profit activities;

(b) "court" means the High Court of Justice;

(c) "Director" means the Director appointed under section 3;

(d) "endorse" includes imprinting a stamp, in accordance with section 5, on the face of an application sent to the Director;

(e) "extra-provincial corporation" means a corporation, with or without share capital, incorporated or continued otherwise than by or under the authority of an Act of the Legislative Assembly;

(f) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned;

(g) "Ministry" means the Ministry of the Minister;

(h) "prescribed" means prescribed by the regulations;

(i) "send" includes deliver or mail;

(j) "regulations" means the regulations made under this Act.

Carrying on business in Ontario

(2) For the purposes of this Act, an extra-provincial corporation carries on its business in Ontario if,

(a) it has a resident agent, representative, warehouse, office or place where it carries on its business in Ontario;

(b) it holds an interest, otherwise than by way of security, in real property situate in Ontario; or

(c) it otherwise carries on its business in Ontario.

Idem

(3) An extra-provincial corporation does not carry on its business in Ontario by reason only that,

(a) it takes orders for or buys or sells goods, wares and merchandise; or

(b) offers or sells services of any type,

by use of travellers or through advertising or correspondence.

Classes of extra-provincial corporations

2.—(1) Extra-provincial corporations shall be classified into the following classes:

Class 1. Corporations incorporated or continued by or under the authority of an Act of a legislature of a province of Canada.

Class 2. Corporations incorporated or continued by or under the authority of an Act of the Parliament of Canada including corporations incorporated under an ordinance of the Yukon or Northwest Territories.

Class 3. Corporations incorporated or continued under the laws of a jurisdiction outside of Canada.

Idem

(2) Corporations incorporated under an ordinance of the Northwest Territories but governed by the corporation laws of a province are corporations within class 1.

Director

3. There shall be a Director appointed by the Minister who shall perform such duties and have such powers as are assigned to him by this Act.

Where licence not required R.S.O. 1980, c. 96

4.—(1) Subject to this Act, the *Corporations Information Act* and any other Act, an extra-provincial corporation within class 1 or 2 may carry on any of its business in Ontario without obtaining a licence under this Act.

Carrying on business without licence prohibited

(2) No extra-provincial corporation within class 3 shall carry on any of its business in Ontario without a licence under

this Act to do so, and no person acting as representative for or agent for any such extra-provincial corporation shall carry on any of its business in Ontario unless the corporation has a licence under this Act.

Application for licence, etc.

5.—(1) An extra-provincial corporation may make an application for a licence, an amended licence or a termination of licence by sending to the Director two originals of the application signed by a director or officer of the corporation, all other required documents and the prescribed fee.

Where Director endorses

(2) Where the Director receives an application in accordance with subsection (1) he may endorse on each original a licence, amended licence or a termination of the licence, setting out the day, month and year of endorsement and a corporation number and, where he so endorses, he shall,

(a) file one original of the application with the endorsement;

(b) send to the corporation or its representative one original of the application with the endorsement thereon; and

(c) publish notice of the endorsement in *The Ontario Gazette*.

Date of endorsement

(3) An endorsement under subsection (2) may be dated as of the date the Director receives the originals of any application together with all other required documents executed in accordance with this Act and the prescribed fees or as of any later date acceptable to the Director specified by the person who submitted the application.

When endorsement effective

(4) An endorsement under subsection (2) is effective on the date shown thereon notwithstanding that any action required to be taken by the Director under this Act with respect to the endorsement of the application and filing by him is taken at a later date.

Restrictions on licence

(5) The Director may make a licence or an amended licence subject to restrictions on the business of a corporation and to such other limitations or conditions as are specified in the licence or amended licence.

Where endorsement refused

6.—(1) Where the Director refuses to endorse any application required by this Act to be endorsed by him before it becomes effective, he shall give written notice to the person who delivered the application of his refusal, specifying the reasons therefor.

Idem

(2) Where, within six months after an application referred to in subsection 5 (1) has been sent to the Director, the Director has not endorsed the application, he shall be deemed for the purposes of section 8 to have refused to endorse it.

Director may cancel licence

7.—(1) Where sufficient cause is shown, the Director, after giving an extra-provincial corporation within class 3 an opportunity to be heard, may by order cancel the licence of the corporation upon such date as is fixed in the order.

Review by Director

(2) If no proceedings have been taken under section 8, the Director may at any time review an order made under subsection (1) and may affirm, revoke or vary any such order if in his opinion it is appropriate to do so.

Interpretation

(3) In this section, "sufficient cause" includes,

(a) failure to pay any prescribed fee;

(b) failure to comply with section 19;

(c) failure to comply with a request under section 5 or a notice under section 8 of the *Corporations Information Act*; and

R.S.O. 1980, c. 96

(d) a conviction of the extra-provincial corporation for an offence under the *Criminal Code* (Canada) or an offence as defined in the *Provincial Offences Act* in circumstances where cancellation of the licence is in the public interest.

R.S.C. 1970, c. C-34

R.S.O. 1980, c. 400

Appeal

8.—(1) A person aggrieved by a decision of the Director,

(a) to refuse to endorse an application;

(b) to make or refuse to make an order under section 11;

(c) to cancel a licence under section 7 or subsection 12 (2);

(d) to require that a corrected licence be endorsed under section 13; or

(e) to impose conditions on a licence or amended licence,

may appeal to the Divisional Court.

Certification by Director

(2) The Director shall certify to the registrar of the Divisional Court,

(a) the decision of the Director together with a statement of the reasons therefor;

(b) the record of any hearing; and

(c) other material that is relevant to the appeal.

Director may be heard

(3) The Director is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Court order

(4) Where an appeal is taken under this section, the court may direct the Director to make such decision or do such other act that the Director is empowered to do under this Act, as the court thinks proper, having regard to the material and submissions before it.

Further orders by Director

(5) Notwithstanding an order of the court under subsection (4), the Director has power to make any further decision where he is presented with new material or where there is a material change in the circumstances and every such decision is subject to this section.

Use of other name R.S.O. 1980, c. 96

9. An extra-provincial corporation may, subject to its incorporating instrument, the *Corporations Information Act* and any other Act, use and identify itself in Ontario by a name other than its corporate name and, in the case of an extra-provincial corporation within class 3, may be licensed to use such name.

Where name, etc., likely to deceive

10.—(1) Notwithstanding section 9 and subject to subsection (2), an extra-provincial corporation within class 1 or 3 shall not use or identify itself in Ontario by a name,

(a) that contains a word or expression prohibited by the regulations;

(b) that is the same as or, except where a number name is used, similar to,

(i) the name of a known,

(A) body corporate,

(B) trust,

(C) association,

(D) partnership,

(E) sole proprietorship, or

(F) individual,

whether in existence or not, or

(ii) the known name under which any body corporate, trust, association, partnership, sole proprietorship or individual carries on its business or identifies itself,

if the use of that name would be likely to deceive; or

(c) that does not meet the requirements prescribed by the regulations.

Exception

(2) An extra-provincial corporation within class 1 or 3 may use or identify itself in Ontario by a name described in clause (1) (b) upon compliance with such conditions as may be prescribed.

Filing material

(3) An extra-provincial corporation to which this section applies shall file with the Director such documents relating to the name or proposed name as may be prescribed.

Where contravention

11.—(1) If an extra-provincial corporation within class 1 or 3, through inadvertence or otherwise, uses or identifies itself by a name contrary to section 10, the Director may, after giving the extra-provincial corporation an opportunity to be heard, order it to cease using the name in Ontario and, where the name is contained in a licence, the Director may order that the corporation apply for an amended licence under a different name within the time specified in the order.

Director may apply for order under s. 14

(2) Where an extra-provincial corporation within class 1 fails to comply with an order made under subsection (1), the Director may apply to the Court for an order under section 14.

Director may cancel licence

(3) Where an extra-provincial corporation within class 3 fails to apply for an amended licence pursuant to an order under subsection (1), the Director may cancel the licence.

Where change of name or jurisdiction

12.—(1) An extra-provincial corporation within class 3 shall make application for an amended licence where,

(a) it has changed its name or has been ordered to change its name under section 11; or

(b) it has continued under the laws of another jurisdiction.

Where corporation ceases to carry on business

(2) Where an extra-provincial corporation within class 3 has not carried on any of its business in Ontario for any two consecutive years, the extra-provincial corporation shall make application for termination of its licence or, if it does not do so, the Director, upon giving the corporation an opportunity to be heard, may by order cancel the licence.

Endorsement in error

13.—(1) Where a licence contains an error,

(a) the corporation shall, upon the request of the Director and after being given an opportunity to be heard, return the licence; or

(b) the corporation may apply to the Director for a corrected licence and upon such resolutions being passed and other steps taken as the Director may require,

the Director may endorse a corrected licence.

Date on corrected licence

(2) A corrected licence endorsed under subsection (1) may bear the date of the licence it replaces.

Notice of correction

(3) Where a correction made under subsection (1) is material, the Director shall forthwith give notice of the correction in *The Ontario Gazette*.

Court order

14.—(1) The Director may apply to the court for an order prohibiting an extra-provincial corporation within class 1 from carrying on its business in Ontario or such other order as he may think fit and, where sufficient cause exists, the court may make an order under subsection (2).

Idem

(2) Upon an application under this section the court may make any interim or final order it thinks fit.

Interpretation

(3) In subsection (1), "sufficient cause" includes,

(a) failure to comply with a request under section 5 or a notice under section 8 of the *Corporations Information Act*; R.S.O. 1980, c. 96

R.S.C. 1970, c. C-34
R.S.O. 1980, c. 400

(b) a conviction of the extra-provincial corporation for an offence under the *Criminal Code* (Canada) or an offence as defined in the *Provincial Offences Act*, in circumstances where an order of prohibition is in the public interest; and

(c) failure to comply with an order made under section 11.

Notice not deemed

15. No person is affected by or is deemed to have knowledge of the contents of a document concerning an extra-provincial corporation by reason only that the document has been filed with the Director.

Certificate

16. The Director shall, upon payment of the prescribed fee, issue a certificate certifying,

(a) as to the endorsement or non-endorsement of a licence for any corporation;

(b) as to the filing or non-filing of any document or material required or permitted to be filed under this Act; or

(c) that a person named in the certificate on the date or during the period specified in the certificate is shown on the records of the Ministry as an officer or agent for service of the corporation named in the certificate.

Delegation by Director

17.—(1) The Director may delegate in writing any of his duties or powers under this Act to any public servant in the Ministry.

Signing

(2) Where this Act requires or authorizes the Director to endorse a licence or to certify any fact, the licence or certificate shall be signed by the Director or any other person designated for the purpose by the regulations.

Evidence

(3) A licence or certificate referred to in subsection (2) or a certified copy thereof when introduced as evidence in any civil, criminal or administrative action or proceeding is *prima facie* proof of the facts so certified without personal appearance to prove the signature or official position of the person appearing to have signed the endorsed licence or certificate.

Reproducing signature

(4) For the purposes of subsections (2) and (3), any signature authorized under this section may be printed or otherwise mechanically reproduced.

Verification by affidavit

18.—(1) The Director may require any fact relevant to the performance of his duties under this Act or the regulations to be verified by affidavit or otherwise.

Evidence under oath

(2) For the purpose of holding a hearing under this Act, the Director may administer oaths to witnesses and require them to give evidence under oath.

Agent for service

19.—(1) Every extra-provincial corporation within class 3 that carries on its business in Ontario shall ensure the continuing appointment, at all times, of an individual, of the age of eighteen years or older, who is resident in Ontario or a corporation having its head office or registered office in Ontario as its agent for service in Ontario on whom service of process, notices or other proceedings may be made and service on the agent shall be deemed to be service on the corporation.

Appointment form

(2) The appointment shall be in the prescribed form and shall accompany the application for a licence.

Revised appointment

(3) Where the name, address or any other particular set out in the appointment of an agent changes or where an agent is substituted, the extra-provincial corporation shall forthwith file a revised appointment in the prescribed form with the Director.

Service by Director

(4) Any matter sent by the Director by prepaid post,

(a) to an agent referred to in subsection (1) addressed to him at the latest address shown on the records of the Director; or

(b) to the head or registered office of the extra-provincial corporation at the latest address shown on the records of the Director,

shall be deemed to have been served on the extra-provincial corporation on the fifth business day after the day of mailing.

Penalty

20.—(1) Every person who, without reasonable cause,

(a) contravenes this Act or the regulations;

(b) contravenes a condition of a licence; or

(c) fails to observe or comply with an order, direction or other requirement made under this Act or the regulations,

is guilty of an offence and on conviction is liable to a fine of not more than $2,000 or if such person is a corporation to a fine of not more than $25,000.

Idem

(2) Where an extra-provincial corporation is guilty of an offence under subsection (1), every director or officer of the corporation and every person acting as its representative in Ontario who authorized, permitted or acquiesced to such offence is also guilty of an offence and on conviction is liable to a fine of not more than $2,000.

Ability to maintain action

21.—(1) An extra-provincial corporation within class 3 that is not in compliance with section 19 or has not obtained a licence when required by this Act, is not capable of maintaining any action or any other proceeding in any court or tribunal in Ontario in respect of any contract made by it.

Correcting default

(2) Where a default referred to in subsection (1) has been corrected, an action or other proceeding may be maintained as if the default had been corrected before the institution of the action or other proceeding.

Power to hold land

22. Every corporation,

(a) within class 1 or 2;

(b) within class 3 that has a licence under this Act; or

(c) that is exempt from the licensing requirement under this Act,

has power to acquire, hold and convey any land or interest therein in Ontario necessary for its actual use and occupation or for carrying on its undertaking.

Effect of licence under R.S.O. 1980, c. 95

23.—(1) Where a licence has been issued to an extra-provincial corporation within class 3 under Part VIII of the *Corporations Act* or a predecessor thereof,

(a) the licence remains in effect and shall be deemed to have been endorsed under this Act;

(b) the powers of the extra-provincial corporation shall be deemed to be restricted as set out in the existing licence; and

(c) the attorney for service previously appointed continues in office and the provisions of this Act with respect to agents for service apply.

Licences cancelled R.S.O. 1980, c. 95

(2) All extra-provincial licences issued under Part VIII of the *Corporations Act* or a predecessor thereof except licences referred to in subsection (1) are cancelled on the day this section comes into force.

References in other Acts

24.—(1) In any other Act, unless the context otherwise requires,

(a) a reference to an extra-provincial corporation is deemed to be a reference to an extra-provincial corporation under this Act; and

(b) a reference to an extra-provincial corporation that is licensed or required to be licensed under Part VIII of the *Corporations Act* means an extra-provincial corporation within class 1 or 3.

Where corporation deemed to have licence

(2) Where a corporation within class 1 or 2 would enjoy an exemption or a benefit under another Act if it had an extra-provincial licence, the corporation shall be deemed to have a licence for the purpose of the other Act.

Regulations

25. The Lieutenant Governor in Council may make regulations respecting any matter he considers necessary for the purposes of this Act, including, without limiting the generality of the foregoing, regulations,

(a) requiring the payment of fees for any matter that the Director is required or authorized to do under this Act and prescribing the amounts thereof;

(b) prescribing forms for use under this Act and providing for their use;

(c) designating officers of the Ministry for the purposes of endorsing licences and issuing certificates as to any fact or certifying true copies of documents required or authorized under this Act;

(d) respecting names of extra-provincial corporations or classes thereof;

(e) prohibiting the use of any words or expressions in a corporate name;

(f) defining any word or expression used in clause 10 (1) (b);

(g) prescribing requirements for the purposes of clause 10 (1) (c);

(h) prescribing conditions for the purposes of subsection 10 (2);

(i) prescribing the documents relating to names to be filed with the Director under subsection 10 (3);

(j) respecting the evidence required upon the application for a licence under this Act including evidence as to the incorporation of the extra-provincial corporation, its powers, objects and existence as a valid and subsisting corporation;

(k) respecting the appointment and continuance by extra-provincial corporations of an agent for service on whom service or process notices or other proceedings may be made and the powers to be conferred on such agent;

(l) prescribing the conditions and limitations that may be specified in licences;

(m) prescribing classes of extra-provincial corporations and exempting any class of extra-provincial corporation from all or any part of the provisions of this Act upon such terms and conditions, if any, as may be prescribed;

(n) prescribing any matter required by this Act to be prescribed.

Revocation

26. Part VIII of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement

27. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

28. The short title of this Act is the *Extra-Provincial Corporations Act, 1984*.

CHAPTER 15

An Act to amend the Ministry of Energy Act

Assented to May 29th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 8 of the *Ministry of Energy Act*, being chapter 277 of the Revised Statutes of Ontario, 1980, is amended by striking out "and" at the end of clause (c), by adding "and" at the end of clause (d) and by adding thereto the following clause:

(e) do any one or more of encouraging, promoting, developing or participating in such activities, projects and programs as the Minister considers appropriate,

(i) to increase the availability of energy in Ontario,

(ii) to stimulate the search for and development of sources of energy, including those that utilize waste and those that are renewable, as alternatives to the sources of energy available for use in Ontario, and

(iii) to encourage prudence in the use of energy in Ontario.

(2) The said section 8 is further amended by adding thereto the following subsection:

Authority of Minister

(2) The Minister or, subject to the direction and control of the Minister, the Deputy Minister may, in respect of any matter for which the Minister has responsibility under this or any other Act,

(a) undertake research;

(b) do any one or more of promoting, commissioning or participating in research, experiments, feasibility

studies, pilot or demonstration projects, testing activities and evaluations;

(c) develop and co-ordinate plans and programs;

(d) promote and engage in the dissemination of information;

(e) enter into agreements for and in the name of the Crown;

(f) make grants and, subject to the approval of the Lieutenant Governor in Council, make loans.

2. The said Act is amended by adding thereto the following section:

Accounting statement related to financial assistance
R.S.O. 1980, c. 405

8a. The Minister may require a person or an organization that has received financial assistance under this Act to submit to the Minister a statement prepared by an individual licensed under the *Public Accountancy Act* that sets out the details of the disposition of the financial assistance by the person or organization.

3.—(1) Section 9 of the said Act is amended by striking out "subject to the approval of the Lieutenant Governor in Council" in the third line.

(2) The said section 9 is further amended by adding thereto the following subsection:

Effect of R.S.O. 1980, c. 147

(2) Notwithstanding the *Executive Council Act*, a contract made by a person empowered to do so by a delegation under subsection (1) has the same effect as if made and signed by the Minister.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Ministry of Energy Amendment Act, 1984*.

CHAPTER 16

An Act to amend the Ontario Pensioners Property Tax Assistance Act

Assented to May 29th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of the *Ontario Pensioners Property Tax Assistance Act*, being chapter 352 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 14, section 3 and 1981, chapter 45, section 1, is further amended by adding thereto the following subsection:

(3) Where an individual who is eligible to receive a grant under subsection (1) has not received the grant by the end of one month after the year to which the grant relates, no grant is payable under subsection (1) unless the Minister has received a written request therefor not later than twelve months after the end of the year to which the grant relates. Time limit for grant

2. Section 14 of the said Act is amended by adding thereto the following subsection:

(3) Notwithstanding subsection (1), if owing to special circumstances it is deemed unreasonable to demand repayment of the whole amount due under this section, the Minister may accept such amount as he considers proper. Special circumstances

3. This Act shall be deemed to have come into force on the 1st day of July, 1980. Commencement

4. The short title of this Act is the *Ontario Pensioners Property Tax Assistance Amendment Act, 1984*. Short title

CHAPTER 17

An Act to amend the Legislative Assembly Retirement Allowances Act

Assented to May 29th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 11 of the *Legislative Assembly Retirement Allowances Act*, being chapter 236 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Spouse's allowance

11.—(1) Where a former member who is receiving an allowance dies leaving a spouse, the spouse shall be paid during his or her lifetime an allowance equal to,

(a) 60 per cent of the allowance that the former member was receiving at the date of his or her death; and

(b) in respect of each child under the age of eighteen years, to a maximum of three children of the former member, 10 per cent of the allowance that the former member was receiving at the date of his or her death.

Children's allowance

(2) Where a former member who is receiving an allowance dies leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the allowance that would have been paid to the spouse of the former member under subsection (1) if the spouse had survived the former member, shall be paid to or for the child or children until such age is attained.

Computation of allowance

(3) Where a member dies,

(a) leaving a spouse, the spouse shall be paid during his or her lifetime an allowance equal to the greater of,

(i) an amount equal to 25 per cent of the annual indemnity of the member in effect immediately before his or her death, or

(ii) an amount equal to,

A. 60 per cent of the allowance that the member had earned to the date of his or her death, and

B. in respect of each of not more than three children of the member under the age of eighteen years, 10 per cent of the allowance that the member had earned to the date of his or her death,

computed in the manner provided in section 6 or 9, as the case may be, but based on the member's service to the time of his or her death, and where the spouse dies leaving a child or children of the former member who at the date of the death of the spouse is or are under the age of eighteen years, an allowance equal to that paid or that would be paid to the spouse shall be paid to or for the child or children until such age is attained; or

(b) leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the allowance that would have been paid to the spouse of the member under clause (a) if the spouse had survived the member shall be paid to or for the child or children until such age is attained.

Option

(4) The spouse,

(a) of a person who had elected under section 6 or 9 to take a deferred allowance at age fifty-five but who died before attaining such age; or

(b) of a person who was eligible to make an election to take a deferred or an immediate allowance under section 6 or 9 but died before making the election,

at any time may elect to take a deferred allowance, in which case, commencing on the day that the person would have attained the age of fifty-five had he or she lived, the spouse shall be paid during his or her lifetime an allowance equal to,

(c) 60 per cent of the allowance to which the person would have been entitled at that time; and

(d) in respect of each child under the age of eighteen years, to a maximum of three children of the person, 10 per cent of the allowance to which the person would have been entitled at that time,

or may elect to take an immediate allowance, in which case the spouse shall be paid during his or her lifetime an allowance equal to the amount calculated in accordance with clauses (c) and (d) reduced actuarially in accordance with the tables prescribed by the regulations, which the person would have been entitled to receive at the time of the spouse's election.

Idem

(5) Where a person referred to in clause (4) (a) or (b) dies leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the immediate allowance provided for in subsection (4), reduced actuarially in accordance with the tables prescribed by the regulations for the purposes of subsection (4), shall be paid to or for the child or children until such age is attained.

Exception for higher education

(6) For the purposes of this section, a person who has attained the age of eighteen years but has not attained the age of twenty-five years and who is in full-time attendance at a school, college, university or other institution that is recognized by the Board of Internal Economy for the purposes of this section as a place of higher education shall be deemed not to have attained the age of eighteen years.

Application of s. 11

(2) Section 11 of the said Act, as re-enacted by subsection (1) of this section, applies in respect of every allowance payable under Part I of the said Act on or after the date on which this section is deemed to have come into force.

2.—(1) Subclause 14 (a) (ii) of the said Act is amended,

(a) by striking out "three fiscal years" in the fifth line and inserting in lieu thereof "thirty-six months"; and

(b) by striking out "years" where it occurs the second time in the fifth line and inserting in lieu thereof "months".

Application of subclause as amended

(2) Subclause 14 (a) (ii) of the said Act, as amended by subsection (1) of this section, does not apply in respect of a person who became or who becomes entitled to an allowance under the said Act before the day this section comes into force.

3.—(1) Subsection 18 (4) of the said Act is amended by inserting after "rule" in the third line "or the fifty-five year rule, as the case requires".

(2) Subsection 18 (5) of the said Act is repealed and the following substituted therefor:

Where service less than thirty-six months

(5) Where a person who is entitled to an allowance has been a contributor to the Legislative Assembly Retirement Allowances Account for less than thirty-six months, the allowance shall be based upon the person's average annual remuneration during the months that the person was a contributor to the Account.

4.—(1) Section 19 of the said Act is amended by adding thereto the following subsection:

Children's allowance

(1a) Where a former member who is receiving an allowance dies leaving no spouse but leaving a child or children under the age of eighteen years, an allowance equal to the allowance that would have been paid to the spouse of the former member under subsection (1) if the spouse had survived the former member, shall be paid to or for the child or children until such age is attained.

(2) Subsection 19 (3) of the said Act is amended by inserting after "rule" in the fourth line and in the eleventh line "or the fifty-five year rule, as the case requires".

5. Clause 32 (b) of the said Act is amended by inserting after "subsection 9 (4)" in the second line "section 11".

Commencement

6.—(1) This Act, except sections 1 and 4, shall be deemed to have come into force on the 1st day of April, 1981.

Idem

(2) Sections 1 and 4 shall be deemed to have come into force on the 12th day of July, 1977.

Short title

7. The short title of this Act is the *Legislative Assembly Retirement Allowances Amendment Act, 1984*.

CHAPTER 18

An Act to amend the Municipality of Metropolitan Toronto Act

Assented to May 29th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses 1 (a) and (h) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

(a) "area municipality" means the municipality or corporation of the Borough of East York, the City of Etobicoke, the City of North York, the City of Scarborough, the City of Toronto or the City of York;

. . . . .

(h) "Metropolitan Area" means the area from time to time included within the Borough of East York, the City of Etobicoke, the City of North York, the City of Scarborough, the City of Toronto and the City of York.

2. Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

(1) The area municipalities are entitled to the following membership on the Metropolitan Council: Metropolitan Council membership

the Borough of East York	—	2 members
the City of Etobicoke	—	5 members
the City of North York	—	10 members
the City of Scarborough	—	7 members

the City of Toronto	—	12 members
the City of York	—	3 members

3.—(1) Clause 11 (1) (c) of the said Act is amended by striking out "Borough" in the first line and inserting in lieu thereof "City".

(2) Clause 11 (1) (e) of the said Act is amended by striking out "Borough" in the first line and inserting in lieu thereof "City".

4.—(1) Subsection 17 (1) of the said Act is amended by striking out "63" in the first line.

(2) Subsection 17 (2) of the said Act is amended by striking out "64" in the first line.

5. Subsection 19 (1) of the said Act is amended by striking out "at the rate of 15 cents for every 100 words or at such lower rate as the Metropolitan Council may fix" in the ninth, tenth and eleventh lines and inserting in lieu thereof "at such rate as the Metropolitan Council may by by-law establish".

6. Section 24 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 14, section 2, is further amended by adding thereto the following subsection:

Funds deemed bodies corporate

(2a) The Metropolitan Toronto Pension Plan and the Metropolitan Toronto Police Benefit Fund established by the Metropolitan Council pursuant to the provisions of this Act, shall, for the purposes only of acquiring, holding and disposing of land in their respective names to carry out the objects of the Plan and Fund, be deemed to be bodies corporate.

7.—(1) Subsection 27 (1) of the said Act is amended by striking out "Borough" in the second line and inserting in lieu thereof "City".

(2) The said subsection 27 (1) is further amended by striking out "or Borough" in the third line.

8. Section 62 of the said Act is amended by striking out "not exceeding 25 per cent of the total cost thereof to the area municipality" in the fourth and fifth lines.

9. Paragraphs 2, 4 and 6 of clause 116 (1) (b) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 9, section 1, are repealed and the following substituted therefor:

2. The Board of Education for the City of Etobicoke.

. . . . .

4. The Board of Education for the City of Scarborough.

. . . . .

6. The Board of Education for the City of York.

10.—(1) Clauses 118 (1) (b), (d) and (f) of the said Act are repealed and the following substituted therefor:

(b) The Board of Education for the City of Etobicoke;

. . . . .

(d) The Board of Education for the City of Scarborough;

. . . . .

(f) The Board of Education for the City of York.

(2) Clause 118 (2) (a) of the said Act is repealed and the following substituted therefor:

(a) for the cities of Toronto and Etobicoke and for the Borough of East York shall be two in each ward of the City or Borough, as the case may be.

11.—(1) Clauses 121 (2) (a) and (c) of the said Act are repealed and the following substituted therefor:

(a) one member of and appointed by The Board of Education for the City of Etobicoke;

. . . . .

(c) three members of and appointed by The Board of Education for the City of Scarborough.

(2) Subsection 121 (3) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 9, section 3, is further amended by striking out "Borough" in the second line and in

the third line and inserting in lieu thereof in each instance "City".

12. Subsection 152 (5) of the said Act is amended by striking out "biennial" in the second line and inserting in lieu thereof "regular".

13. The said Act is amended by adding thereto the following sections:

Vesting of certain trust fund in Metropolitan Corporation

163a. The trust fund, composed of undisbursed interest accumulated prior to the 1st day of January, 1982, on the trust accounts of residents of Metropolitan Toronto Homes for the Aged, is vested in the Metropolitan Corporation for distribution of both the fund and interest accruing thereon by the Metropolitan Council in its absolute discretion for the general benefit of the residents of Metropolitan Toronto Homes for the Aged, provided that no expenditure shall be made for the ordinary operation and maintenance of the Homes.

. . . . .

Disposition of fines under R.S.O. 1980, c. 51

186a. Notwithstanding sections 186 and 260 of this Act, subsection 24 (5) of the *Building Code Act* prevails.

14. Section 216 of the said Act is repealed and the following substituted therefor:

Interpretation

216. In this Part,

R.S.O. 1980, c. 359

(a) "commercial assessment" has the same meaning as in clause 1 (1) (b) of the *Ontario Unconditional Grants Act*;

(b) "residential and farm assessment" has the same meaning as in clause 7 (1) (e) of the *Ontario Unconditional Grants Act*;

(c) "total rateable property",

(i) in relation to an area municipality, means the sum of,

(A) the product obtained by multiplying the residential and farm assessment by .85,

(B) the commercial assessment, and

(C) the valuations of all properties for which payments in lieu of taxes are paid by the

Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or by Ontario Hydro to any area municipality, and

(ii) in relation to the Metropolitan Area, means the sum of the total rateable property of the area municipalities in the Metropolitan Area.

15. Subsection 218 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 29, section 11, is repealed and the following substituted therefor:

Allowance to be made in estimates

(2) In preparing the estimates, the Metropolitan Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves as the Metropolitan Council considers necessary.

16.—(1) Subsection 219 (5) of the said Act is repealed and the following substituted therefor:

Other purposes

(5) All other amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the total rateable property in each area municipality bears to the total rateable property in the Metropolitan Area.

(2) Subsection 219 (9) of the said Act is repealed.

17.—(1) Subsection 245 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 29, section 13, is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 302

(1) Section 5, Parts XIII, XIV, XV and XIX, sections 78a, 78b, 104a, 105, 106, 113, 114, 115, 116, 121 and 122, subsection 165 (3), paragraphs 3, 11, 12, 23, 24, 27, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, and paragraph 10 of section 315 of the *Municipal Act* apply with necessary modifications to the Metropolitan Corporation.

(2) Subsection 245 (2) of the said Act is repealed and the following substituted therefor:

Exceptions

(2) Sections 10 and 11 of the *Municipal Act* do not apply to any area municipality.

(3) Subsection 245 (8) of the said Act is repealed and the following substituted therefor:

Application of R.S.O. 1980, c. 65

(8) The Metropolitan Corporation shall be deemed to be a municipal corporation for the purposes of section 6c of the *Charities Accounting Act*.

18. Subsection 261 (1) of the said Act is amended by striking out "Township" in the third line, in the fourth line, in the eighth line and in the tenth line and inserting in lieu thereof in each instance "City".

19. Section 264 of the said Act is repealed and the following substituted therefor:

Borough deemed to be city under R.S.O. 1980, c. 198, s. 109

264. For the purpose of section 109 of the *Highway Traffic Act*, the Borough of East York shall be deemed to be a city.

Commencement

20.—(1) This Act, except sections 14, 15 and 16, comes into force on the day it receives Royal Assent.

Idem

(2) Section 15 shall be deemed to have come into force on the 1st day of January, 1975.

Idem

(3) Sections 14 and 16 shall be deemed to have come into force on the 1st day of January, 1984.

Short title

21. The short title of this Act is the *Municipality of Metropolitan Toronto Amendment Act, 1984 (No. 2)*.

CHAPTER 19

An Act to provide for the Implementation of the Young Offenders Act (Canada)

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "child" means a person who is or, in the absence of evidence to the contrary, appears to be under the age of twelve years;

(b) "Minister" means the Minister of Community and Social Services;

(c) "place of open custody" means a place or facility designated as a place of open custody under subsection 24 (1) of the *Young Offenders Act* (Canada); 29-30-31, Eliz.II, c. 110 (Can.)

(d) "place of secure custody" means a place or facility designated for the secure containment or restraint of young persons under subsection 24 (1) of the *Young Offenders Act* (Canada);

(e) "place of temporary detention" means a place or facility designated as a place of temporary detention under subsection 7 (1) of the *Young Offenders Act* (Canada);

(f) "prescribed" means prescribed by the regulations;

(g) "regulations" means the regulations made under this Act;

(h) "services and programs" means,

(i) prevention programs,

(ii) pre-trial detention and supervision programs,

(iii) open and secure custody programs,

(iv) probation services,

(v) programs for the administration and supervision of dispositions, and

(vi) other related services and programs;

(i) "young person" means a person who is, or, in the absence of evidence to the contrary, appears to be,

(i) twelve years of age, or more, but

(ii) under sixteen years of age,

and includes a person sixteen years of age or more charged with having committed an offence while he or she was twelve years of age or more but under sixteen years of age.

Appointments by Minister

2.—(1) The Minister may appoint any person as,

(a) a provincial director, to perform any or all of the duties and functions of a provincial director,

29-30-31, Eliz.II, c. 110 (Can.)

(i) under the *Young Offenders Act* (Canada), and

(ii) under the regulations;

(b) a probation officer, to perform any or all of the duties and functions,

(i) of a youth worker under the *Young Offenders Act* (Canada),

R.S.O. 1980, c. 400

(ii) of a probation officer for the purposes of the *Provincial Offences Act*, and

(iii) of a probation officer under the regulations; and

(c) a program supervisor, to supervise services and programs provided under subsection 3 (1) and perform any or all of the prescribed duties and functions.

Limitations, etc., on appointments

(2) The Minister may set out in an appointment made under subsection (1) any conditions or limitations to which it is subject.

Probation officer has powers of peace officer

(3) While performing his or her duties and functions, a probation officer appointed under clause (1) (b) has the powers of a peace officer.

Remuneration and expenses

R.S.O. 1980, c. 418

(4) The remuneration and expenses of a person appointed under subsection (1) who is not a public servant under the *Public Service Act* shall be fixed by the Minister and shall be paid out of legislative appropriations.

Services and programs

3.—(1) The Minister may,

(a) establish, operate and maintain services and programs; and

(b) make agreements with persons for the provision of services and programs,

29-30-31, Eliz.II, c. 110 (Can.)

R.S.O. 1980, c. 400

for or on behalf of young persons for the purposes of the *Young Offenders Act* (Canada) and the *Provincial Offences Act*, and may fund those services and programs out of legislative appropriations.

Observation and detention homes and training schools continued

R.S.O. 1980, cc. 398, 508

(2) An observation and detention home under the *Provincial Courts Act* that is in existence on the 2nd day of April, 1984 and a training school under the *Training Schools Act* that is in existence on that day shall be deemed to be operated under subsection (1), and the Minister may continue to fund those observation and detention homes and training schools out of legislative appropriations.

Powers of program supervisor

4.—(1) A program supervisor may, at all reasonable times, upon producing proper identification, enter premises where services or programs are provided under subsection 3 (1), inspect the facilities, the services or programs provided, the books of account and the records relating to the services or programs, and make copies of those books and records.

Offence

(2) No person shall hinder, obstruct or attempt to hinder or obstruct a program supervisor in the performance of the program supervisor's duties or give false information about services or programs provided under subsection 3 (1) to a program supervisor.

Idem

(3) No person in charge of a service or program provided under subsection 3 (1) or in charge of premises where a service or program is provided under subsection 3 (1) shall refuse

to give a program supervisor access to the books and records referred to in subsection (1).

Idem

(4) A person who knowingly contravenes subsection (2) or (3), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and is liable upon conviction to a fine of not more than $2,000.

Reports and information

5. A person in charge of a service or program provided under subsection 3 (1), a person in charge of a place of temporary detention, open custody or secure custody, and a probation officer,

(a) shall make the prescribed reports and furnish the prescribed information to the Minister, in the prescribed form and at the prescribed intervals; and

(b) shall make a report to the Minister whenever the Minister requests it.

Young persons in open custody R.S.O. 1980, c. 400

6. Where a young person is sentenced to a term of imprisonment for breach of probation under clause 75 (d) of the *Provincial Offences Act*, to be served in open custody as set out in section 91k of that Act,

(a) the young person shall be held in a place of open custody specified by a provincial director; and

(b) the provisions of section 35 (temporary release) of the *Young Offenders Act* (Canada) apply with necessary modifications.

29-30-31, Eliz.II, c. 110 (Can.)

Apprehension of young person absent from place of temporary detention R.S.O. 1980, c. 400

7.—(1) A peace officer, the person in charge of a place of temporary detention or that person's delegate, who believes on reasonable and probable grounds that a young person detained under the *Young Offenders Act* (Canada) or the *Provincial Offences Act* in a place of temporary detention,

(a) has left the place without the consent of the person in charge; and

(b) fails or refuses to return there,

may apprehend the young person with or without a warrant and,

(c) take the young person to a place of temporary detention to be detained until he or she can be returned;

(d) arrange for the young person to be returned; or

(e) return the young person,

to the first-mentioned place of temporary detention.

Idem: place of open custody

(2) A peace officer, the person in charge of a place of open custody or that person's delegate, who believes on reasonable and probable grounds that a young person held in a place of open custody as described in section 6,

(a) has left the place without the consent of the person in charge and fails or refuses to return there; or

(b) fails or refuses to return to the place of open custody upon completion of a period of temporary release under clause 6 (b),

may apprehend the young person with or without a warrant and,

(c) take the young person to a place of temporary detention to be detained until he or she can be returned;

(d) arrange for the young person to be returned; or

(e) return the young person,

to the first-mentioned place of open custody.

Young person to be returned within forty-eight hours

(3) A young person who is detained in a place of temporary detention under this section shall be returned to the place from which he or she is absent, as soon as possible, but in any event within forty-eight hours after being detained.

Warrant to apprehend young person

(4) A justice of the peace who is satisfied on the basis of a sworn information that there are reasonable and probable grounds to believe that a young person held in a place of temporary detention or open custody,

(a) has left the place without the consent of the person in charge, and fails or refuses to return there; or

(b) fails or refuses to return to a place of open custody upon completion of a period of temporary release under clause 6 (b),

may issue a warrant authorizing a peace officer, the person in charge of the place of temporary detention or open custody or that person's delegate to apprehend the young person.

Authority to enter, etc.

(5) A warrant issued under subsection (4) authorizes a person to whom it is directed to enter any premises where he or she reasonably believes the young person to be, by force if necessary, and to search for and remove the young person.

Regulations

8. The Lieutenant Governor in Council may make regulations,

(a) governing the establishment, operation, maintenance, management and use of places of temporary detention, open custody and secure custody and other services and programs provided under subsection 3 (1);

(b) governing the establishment and operation of and the accommodation, equipment and services to be provided in any premises or class of premises established, operated, maintained or designated for the purposes of the *Young Offenders Act* (Canada) or for providing services or programs under subsection 3 (1);

29-30-31, Eliz.II, c. 110 (Can.)

(c) prescribing additional duties and functions of,

(i) probation officers,

(ii) program supervisors, and

(iii) provincial directors;

(d) prescribing the qualifications of probation officers;

(e) prescribing additional duties and functions of persons in charge of places of temporary detention, open custody and secure custody;

(f) prescribing reports to be made and information to be furnished under section 5, their form and the intervals at which they are to be made or furnished;

(g) governing the conduct, discipline, rights and privileges of young persons in places of temporary detention, open custody or secure custody or any class of them or in a service or program provided under subsection 3 (1);

(h) prescribing procedures for the admission of young persons to and their discharge from places of temporary detention, open custody or secure custody or any class of them or premises in which a service or program is provided under subsection 3 (1);

(i) prescribing classes of payment by way of provincial aid for the establishment, operation or maintenance of places of temporary detention, open custody or secure custody, the methods of determining the payments, the manner and time of making them, the terms and conditions of such payments and the circumstances under which such payments may be suspended or withheld or deductions may be made from them; and

(j) respecting any matter considered necessary or advisable to carry out effectively the intent and purpose of this Act.

9.—(1) Clause 19 (1) (f) of the *Child Welfare Act*, being chapter 66 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(f) "place of safety" means a receiving home, foster home, hospital and such other place or class of places designated in writing by a Director, but does not include a place or facility designated as a place of secure custody under section 24 of the *Young Offenders Act* (Canada). 29-30-31, Eliz.II, c. 110 (Can.)

(2) Subsection 21 (3) of the said Act is repealed and the following substituted therefor:

Apprehension of child under twelve

(3) A police officer who has reasonable and probable grounds to believe that a child actually or apparently under twelve years of age has committed an act in respect of which a person twelve years of age or older could be found guilty of an offence may apprehend the child without a warrant and shall, on doing so,

(a) as soon as practicable, return the child to the child's parent or other person having charge of the child; or

(b) where it is not possible to return the child to the parent or other person within a reasonable time, take the child to a place of safety to be detained there until the child can be returned to the parent or other person.

Notice to parent, etc.

(3a) The person in charge of a place of safety in which a child is detained under subsection (3) shall make reasonable efforts to notify the child's parent or other person having charge of the child of the child's detention so that the child may be returned to the parent or other person.

Where child not returned to parent, etc., within twelve hours

(3b) Where a child detained in a place of safety under subsection (3) cannot be returned to the child's parent or other person having charge of the child within twelve hours of being taken to the place of safety, the child shall be deemed to have been apprehended under clause (1) (a) as being apparently in need of protection.

Apprehension of child absent from place of temporary detention

29-30-31, Eliz.II, c. 110 (Can.)

(3c) Where a child is detained under this Act in a place of safety that has been designated as a place of temporary detention under subsection 7 (1) of the *Young Offenders Act* (Canada) and leaves the place without the consent of,

(a) the society having care, custody and control of the child; or

(b) the person in charge of the place of safety,

a peace officer, the person in charge of the place of safety or that person's delegate may apprehend the child without a warrant and,

(c) take the child to a place of safety to be detained until he or she can be returned;

(d) arrange for the child to be returned; or

(e) return the child,

to the first-mentioned place of safety.

Right of entry

(3d) Where a person authorized under subsection (1), (2), (3) or (3c) has reasonable and probable grounds to believe that a child referred to in the relevant subsection is on any premises, the person may without a warrant enter the premises, if need be by force, and without a warrant search for and remove the child from the premises.

(3) Subsection 28 (12) of the said Act is amended by striking out "except an order placing the child in a training school established under the *Training Schools Act*, or placing the child in an observation and detention home established or designated under the *Provincial Courts Act* that has not been designated under this Act as a place of safety" in the 25th, 26th, 27th, 28th, 29th and 30th lines and inserting in lieu thereof "except

an order placing a child in a place or facility designated as a place of secure custody or as a place of open custody under section 24 of the *Young Offenders Act* (Canada), or in a place or facility that is designated under subsection 7 (1) of that Act as a place of temporary detention but is not a place of safety".

(4) Subsections 30 (2) and (3) of the said Act are repealed.

Transition

(5) Despite subsection (4), subsection 30 (2) continues to apply to a child who was committed to a society under paragraph 20 (1) (h) of the *Juvenile Delinquents Act* (Canada) before the 2nd day of April, 1984.

R.S.C. 1970, c. J-3

10. The *Children's Probation Act*, being chapter 70 of the Revised Statutes of Ontario, 1980, is repealed.

11.—(1) Sections 27, 28, as amended by the Statutes of Ontario, 1982, chapter 22, section 2, sections 29, 30 and 31 and clauses 34 (1) (g), (h), (i), (j) and (k) of the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, are repealed.

(2) Subsections 204 (1), (2) and (3) of the *Courts of Justice Act, 1984*, being chapter 11, are repealed and the following substituted therefor:

(1) The *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is repealed.

Transition

(3) Despite subsection (1), sections 28 and 29 of the said Act continue to apply to a child who has been admitted to an observation and detention home and has not been discharged on the 2nd day of April, 1984, until the child is discharged from the observation and detention home.

12.—(1) The *Training Schools Act*, being chapter 508 of the Revised Statutes of Ontario, 1980, is repealed.

Transition

(2) Despite subsection (1), the said Act continues to apply to a child who is a ward of the Crown under the said Act on the 2nd day of April, 1984, until the wardship expires or is terminated.

13. Section 19 of the *Unified Family Court Act*, being chapter 515 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement

14. This Act shall be deemed to have come into force on the 2nd day of April, 1984.

Short title

15. The short title of this Act is the *Young Offenders Implementation Act, 1984*.

CHAPTER 20

An Act to amend the Public Commercial Vehicles Act

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 10b (6) of the *Public Commercial Vehicles Act*, being chapter 407 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 79, section 1, is amended by striking out "may propose to" in the first and second lines and inserting in lieu thereof "shall".

(2) Subsection 10b (8) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 79, section 1, is amended by striking out "or (16)" in the second line.

(3) Subsections 10b (9) to (16) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 79, section 1, are repealed.

(4) Subsection 10b (17) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 79, section 1, is amended by striking out "(13) or (16)" in the first and second lines and inserting in lieu thereof "(6)".

2. Subsection 37 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 71, section 15, is further amended by adding thereto the following paragraph:

32. prescribing classes of certificates and the form of certificates issued under section 10b and the terms and conditions to which such certificates shall be subject.

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

4. The short title of this Act is the *Public Commercial Vehicles Amendment Act, 1984*. Short title

CHAPTER 21

An Act to amend the Highway Traffic Act

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 5 of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

(d) providing for the payment of administrative fees for the reinstatement of suspended licences and for the exemption from payment of such fees on the basis of grounds for suspension;

(e) providing for the payment of administrative fees for handling dishonoured cheques tendered as payment for the issue, renewal, replacement, transfer, validation or reinstatement of permits, licences and number plates;

(f) prescribing a rate of interest for purposes of subsection (2), when interest starts to run and the method of calculating the interest;

(g) prescribing penalties for the purposes of subsection (2) and the method of determining the amount of any penalty.

(2) The said section 5 is further amended by adding thereto the following subsection:

Interest and penalties when cheque dishonoured

(2) Where a cheque tendered as payment for any fee is dishonoured, interest at a prescribed rate may be charged on the amount of the cheque and a penalty may be imposed.

2. Part III of the said Act is amended by adding thereto the following section:

Driving a privilege

17a. The purpose of this Part is to protect the public by ensuring that the privilege of driving on a highway is granted

to, and retained by, only those persons who demonstrate that they are likely to drive safely.

3.—(1) Section 18 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 7, is further amended by adding thereto the following subsections:

Air brake endorsement

(1b) No person shall drive, on a highway, a vehicle equipped with air brakes unless the licence of that person is endorsed to permit the driving of a vehicle of that class equipped with air brakes.

Idem

(1c) The Minister shall endorse the driver's licence of every person who applies therefor and meets the requirements prescribed by the regulations with the endorsement referred to in subsection (1b).

(2) The said section 18 is further amended by adding thereto the following subsection:

Contingent validity

(2b) Where a driver's licence issued under subsection (2) has been suspended, it is not valid for purposes of subsection (1) until the prescribed administrative fee for its reinstatement has been paid.

(3) Subsection 18 (7) of the said Act is amended by adding thereto the following clause:

(h) prescribing the requirements to be met by an applicant for an endorsement to a driver's licence for any class of vehicle.

4.—(1) Subsection 26 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 11, is repealed and the following substituted therefor:

Suspension on conviction for certain offences R.S.C. 1970, c. C-34

(1) The driver's licence of a person who is convicted of an offence under section 203, 204 or 219 of the *Criminal Code* (Canada) committed by means of a motor vehicle as defined in this Act or a street car or a motorized snow vehicle or of an offence under section 233, 234 or 236 of the *Criminal Code* (Canada) committed while driving or having the care or control of a motor vehicle as defined in this Act or a motorized snow vehicle or of an offence under section 234.1 or 235 of the *Criminal Code* (Canada) committed in relation to the driving or care or control of a motor vehicle as defined in this Act or a motorized snow vehicle is thereupon and hereby suspended for a period of,

(a) upon the first conviction, three months;

(b) upon the first subsequent conviction, six months; and

(c) upon an additional subsequent conviction, three years,

provided that where an order has been made before the 26th day of April, 1976 under subsection 238 (1) of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period. R.S.C. 1970, c. C-34

(2) Subsection 26 (2) of the said Act is repealed and the following substituted therefor:

(2) Where a person who has previously been convicted of an offence mentioned in subsection (1) is convicted of the same or any other offence mentioned in subsection (1) within five years after the previous conviction, the last conviction shall be deemed to be a subsequent conviction for the purposes of clauses (1) (b) and (c). Subsequent offence within five-year period

5. Section 30a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1, is amended by adding thereto the following subsection:

(13) In this section, Interpretation

(a) "driver's licence" includes a motorized snow vehicle operator's licence; and

(b) "motor vehicle" includes a motorized snow vehicle.

6. Clause 74 (3) (a) of the said Act is repealed and the following substituted therefor:

(a) the vehicle has been inspected by a motor vehicle inspection mechanic in the motor vehicle inspection station and the vehicle complies with the inspection requirements and performance standards prescribed by the regulations; and

. . . . .

7. Subsection 92 (6) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 28, section 4, is repealed and the following substituted therefor:

Length of vehicle

(6) Subject to section 93, no vehicle, other than a fire apparatus, a semi-trailer or a bus, including load, shall exceed the length of 12.5 metres while on a highway.

Length of combination

(6a) No combination of vehicles, including load, coupled together shall exceed the total length of twenty-three metres while on a highway.

Idem

(6b) No combination of vehicles shall be operated on a highway where the distance from the back of the driver's compartment of the tractor to the rearmost part of the combination of vehicles exceeds nineteen metres, unless the distance from the centre of the kingpin of the foremost trailer to the rearmost part of the combination of vehicles is 16.75 metres or less.

Interpretation

(6c) For the purposes of subsection (6b), a sleeping compartment shall be considered as part of the driver's compartment.

8. Subsection 109 (12) of the said Act is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding thereto the following clause:

(c) an ambulance as defined in clause 43 (a) while responding to an emergency call or being used to transport a patient or injured person in an emergency situation.

9. Part IX of the said Act is amended by adding thereto the following section:

Interpretation

113a. In this Part,

(a) "indication" means a signal lens display that is activated by internal illumination;

(b) "traffic control signal" means that part of a traffic control signal system that consists of one set of no less than three coloured lenses, red, amber and green, mounted on a frame and commonly referred to as a signal head;

(c) "traffic control signal system" means all of the signal equipment making up the installation at any location.

10. Section 115 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 23, is repealed and the following substituted therefor:

115.—(1) This section applies where an intersection is not controlled by a stop or yield sign or a traffic control signal system. Application

(2) Every driver approaching an intersection shall yield the right of way to any vehicle in the intersection that has entered it from an intersecting highway. Right of way

(3) When two vehicles enter an intersection from intersecting highways at approximately the same time, the driver on the left shall yield the right of way to the vehicle on the right. Idem

(4) In this section, "driver" includes street car operator and "vehicle" includes street car. Interpretation

11. Section 116 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 24, is repealed and the following substituted therefor:

116.—(1) Every driver or street car operator approaching a stop sign at an intersection, Stop at through highway

(a) shall stop his vehicle or street car at a marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and

(b) shall yield the right of way to traffic in the intersection or approaching the intersection on another highway so closely that to proceed would constitute an immediate hazard and, having so yielded the right of way, may proceed.

(2) Every driver or street car operator approaching, on another highway, an intersection referred to in subsection (1), shall yield the right of way to every driver or operator who has complied with the requirements of subsection (1). Acquiring right of way

12. Subsection 118 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 25, is further amended by striking out "116 (a)" in the fourth line and inserting in lieu thereof "116 (1) (a)".

13. Section 119 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 14 and 1983, chapter 63, section 26, is repealed and the following substituted therefor:

119.—(1) Every driver or street car operator entering a highway from a private road or driveway shall yield the right Right of way on entering highway from private road

of way to all traffic approaching on the highway so closely that to enter would constitute an immediate hazard.

Exception to subs. (1)

(2) Subsection (1) does not apply to a driver or operator entering a highway from a private road or driveway controlled by a traffic control signal of a traffic control signal system.

14. Section 120 of the said Act is amended by adding thereto the following subsection:

Municipal by-laws

(5) No municipal by-law that purports to designate a pedestrian crossover on a highway on which the maximum speed limit is in excess of 60 kilometres per hour is valid.

15. Section 121 of the said Act is amended by adding thereto the following subsection:

Long vehicles

(7) Where, because of the length of a vehicle or combination of vehicles, a turn can not be made within the confines of the lanes referred to in subsection (2), (3), (5) or (6), a driver, when making such a turn, is not in contravention of any such subsection if he complies with the applicable provision as closely as practicable.

16. Section 124 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 15 and 1983, chapter 63, section 28, is repealed and the following substituted therefor:

Interpretation

124.—(1) In this section,

(a) "driver" includes an operator of a street car;

(b) "emergency vehicle" means,

(i) a fire department vehicle as defined in clause 43 (b) while proceeding to a fire or responding to, but not while returning from, a fire alarm or other emergency call,

(ii) a vehicle while used by a person in the lawful performance of his duties as a police officer,

(iii) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation, or

(iv) a cardiac arrest emergency vehicle operated by or under the authority of a hospital,

on which a siren is continuously sounding and from which intermittent flashes of red light are visible from all directions;

(c) "intersection" includes any portion of a highway indicated by markings on the surface of the roadway as a crossing place for pedestrians;

(d) "pedestrian" includes a person in a wheelchair;

(e) "vehicle" includes a street car.

Idem

(2) For purposes of this section, where a highway includes two roadways fifteen metres or more apart crossed by an intersecting roadway, each crossing shall be considered a separate intersection.

Idem

(3) The fifteen metres referred to in subsection (2) shall include exclusive left turn lanes where they exist.

Where to stop—intersection

(4) A driver who is directed by a traffic signal erected at an intersection to stop his vehicle shall stop,

(a) at the sign or roadway marking indicating where the stop is to be made;

(b) if there is no sign or marking, immediately before entering the nearest crosswalk; or

(c) if there is no sign, marking or crosswalk, immediately before entering the intersection.

Where to stop—non-intersection

(5) A driver who is directed by a traffic signal erected at a location other than at an intersection to stop his vehicle shall stop,

(a) at the sign or roadway marking indicating where the stop is to be made;

(b) if there is no sign or marking, immediately before entering the nearest crosswalk; or

(c) if there is no sign, marking or crosswalk, not less than five metres before the nearest traffic control signal.

Yielding to pedestrians

(6) When under this section a driver is permitted to proceed, the driver shall yield the right of way to pedestrians lawfully within a crosswalk.

Yielding to traffic

(7) When under this section a driver is permitted to proceed, he shall yield the right of way to traffic lawfully using an intersection or, where signals are erected where a private road or driveway meets a highway, lawfully using the area controlled by the signals.

Signs

(8) The provisions of this section are subject to any sign, as prescribed by the regulations, forbidding a left turn, right turn, through movement or combination thereof that is posted at an intersection and every driver shall obey every such sign.

Obeying lane lights

(9) Every driver shall obey every traffic control signal that applies to the lane that he is in.

Green light

(10) A driver approaching a traffic control signal showing a circular green indication and facing the indication may proceed forward or turn left or right unless otherwise directed.

Flashing green

(11) A driver approaching a traffic control signal showing a circular flashing green indication or a solid or flashing left turn green arrow indication in conjunction with a circular green indication and facing the indication may, notwithstanding subsection 121 (4), proceed forward or turn left or right unless otherwise directed.

Green arrow

(12) Every driver approaching a traffic control signal showing one or more green arrow indications only or in combination with a circular red or circular amber indication and facing the indication may proceed only to follow the direction shown by the arrow.

Amber light

(13) Every driver approaching a traffic control signal showing a circular amber indication and facing the indication shall stop his vehicle if he can do so safely, otherwise he may proceed with caution.

Amber arrow

(14) Every driver approaching a traffic control signal showing an amber arrow indication only or in combination with another indication and facing the indication shall stop his vehicle if he can do so safely, otherwise he may proceed with caution to follow the direction shown by the amber arrow indication.

Flashing amber

(15) Every driver approaching a traffic control signal showing a flashing circular amber indication and facing the indication may proceed with caution.

Red light

(16) Every driver approaching a traffic control signal showing a circular red indication and facing the indication shall

stop his vehicle and shall not proceed until a green indication is shown.

Exception —turn

(17) Notwithstanding subsection (16) and subject to subsection (12), a driver, after stopping his vehicle and yielding the right of way to traffic lawfully approaching so closely that to proceed would constitute an immediate hazard, may,

(a) turn to the right; or

(b) turn to the left from a one-way street into a one-way street,

without a green indication being shown.

Exception —emergency vehicle

(18) Notwithstanding subsection (16), a driver of an emergency vehicle, after stopping the vehicle, may proceed without a green indication being shown if it is safe to do so.

Stopping at flashing red light

(19) Every driver approaching a traffic control signal and facing a flashing circular red indication shall stop his vehicle, shall yield the right of way to traffic approaching so closely that to proceed would constitute an immediate hazard and, having so yielded the right of way, may proceed.

Pedestrian crossing

(20) Where portions of a roadway are marked for pedestrian use, no pedestrian shall cross the roadway except within a portion so marked.

Pedestrian —green light

(21) Subject to subsections (22) and (25), a pedestrian approaching a traffic control signal showing a circular green indication or a straight-ahead green arrow indication and facing the indication may cross the roadway.

Pedestrian —stopping at flashing green light

(22) No pedestrian approaching a traffic control signal and facing a flashing circular green indication or a solid or a flashing left turn arrow indication in conjunction with a circular green indication shall enter the roadway.

Pedestrian —stopping at red or amber light

(23) No pedestrian approaching a traffic control signal and facing a red or amber indication shall enter the roadway.

Pedestrian control signals —walk

(24) Where pedestrian control signals are installed and show a "walk" indication, every pedestrian facing the indication may cross the roadway in the direction of the indication notwithstanding subsections (22) and (23).

Pedestrian control signals —don't walk

(25) No pedestrian approaching pedestrian control signals and facing a solid or flashing "don't walk" indication shall enter the roadway.

Pedestrian right of way

(26) Every pedestrian who lawfully enters a roadway in order to cross may continue the crossing as quickly as reasonably possible notwithstanding a change in the indication he is facing and, for purposes of the crossing, has the right of way over vehicles.

Symbols

(27) The "walk" or "don't walk" pedestrian control indications referred to in this section may be shown as symbols as prescribed by the regulations.

Erection of traffic control signals

(28) No traffic control signal system or traffic control signals used in conjunction with a traffic control system shall be erected or installed except in accordance with an approval obtained from the Minister or an official of the Ministry authorized by the Minister in writing to grant such approval.

Regulations

(29) The Lieutenant Governor in Council may make regulations,

(a) prescribing the standards or specifications of a traffic control signal system;

(b) prescribing the location of traffic control signals and signal systems;

(c) prescribing standards for operating and maintaining a traffic control signal system;

(d) regulating the use and operation of traffic control signals and signal systems.

17. Subsections 124a (1) and (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 48, section 16 and amended by the Statutes of Ontario, 1983, chapter 63, section 29, are repealed and the following substituted therefor:

Blocking intersection

(1) The council of a municipality may by by-law prohibit a driver or street car operator approaching, at an intersection, a traffic control signal showing a circular green or green arrow indication from entering the intersection unless traffic in front of him is moving in a manner that would reasonably lead him to believe he can clear the intersection before the signal indication changes to a circular red indication.

Idem

(2) A by-law passed under subsection (1) does not apply to a driver or street car operator who enters an intersection for the purpose of turning to the right or left into an intersecting highway and signals his intention to make such turn prior to entering the intersection.

18. Section 125 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 30, is repealed and the following substituted therefor:

Portable signal lights

125.—(1) Notwithstanding subsection 124 (28), during construction or maintenance activities on or adjacent to a highway, a portable lane control signal system may be operated on the highway in accordance with the regulations by the authority having jurisdiction and control of the highway or any person authorized by that authority.

Green light

(2) A driver or a street car operator approaching a portable lane control signal showing a circular green indication and facing the indication may proceed.

Amber light

(3) Every driver or street car operator approaching a portable lane control signal showing a circular amber indication and facing such indication shall stop his vehicle or street car if he can do so safely, otherwise he may proceed with caution.

Red light

(4) Every driver or street car operator approaching a portable lane control signal showing a circular red indication and facing the indication shall stop his vehicle or street car and shall not proceed until a circular green indication is shown.

Where to stop

(5) A driver or operator who is required, under this section, to stop his vehicle or street car shall do so at a sign or marking on the highway indicating where a stop is to be made or, if there is no such sign or marking, not less than five metres before the nearest portable lane control signal.

Removing, etc., portable system

(6) No person shall without lawful authority remove, deface or otherwise interfere with a portable lane control signal system.

Regulations re portable lane control devices

(7) The Lieutenant Governor in Council may make regulations,

(a) prescribing standards or specifications for portable lane control signal systems;

(b) prescribing locations where portable lane control signal systems may be erected; and

(c) prescribing standards for operating and maintaining portable lane control signal systems.

19. Section 151 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 28, section 5 and 1983, chapter 63, section 34, is repealed and the following substituted therefor:

Interpretation

151.—(1) In this section,

(a) "children" means,

(i) persons under the age of eighteen, and

(ii) in the case where a school bus is being operated by or under a contract with a school board or other authority in charge of a school for the transportation of children to or from school, includes students of the school;

(b) "school" does not include a post-secondary school educational institution;

(c) "school bus" means a chrome yellow bus that is used for the transportation of,

(i) children, or

(ii) mentally retarded adults to or from a training centre,

that bears on the front and rear thereof the words "school bus" and on the rear thereof the words "do not pass when signals flashing".

Idem

(2) For the purposes of subsection (3), a motor vehicle shall be deemed to be a bus if it is or has been operated under the authority of a permit issued under section 7 for which a bus fee was paid.

Prohibition

(3) No bus, other than a school bus, shall be painted chrome yellow.

Idem

(4) No motor vehicle, other than a school bus, shall bear the words "do not pass when signals flashing" or the words "school bus".

Duty of driver when school bus stopped on highway

(5) Every driver or street car operator when meeting on a highway, other than a highway with a median strip, a stopped school bus that has its red signal-lights flashing, shall stop before reaching the school bus and shall not proceed until the school bus moves or the signal-lights have stopped flashing.

Idem

(6) Every driver or street car operator when overtaking on a highway a stopped school bus that has its red signal-lights flashing, shall stop at least 20 metres before reaching the school bus and shall not proceed until the school bus moves or the signal-lights have stopped flashing.

Duty of school bus driver

(7) Subject to subsection (10), every driver of a school bus on a highway,

(a) who is about to stop for the purpose of receiving or discharging children or mentally retarded adults, shall actuate the red signal-lights on the bus;

(b) as soon as the bus is stopped, for a purpose set out in clause (a), shall actuate the school bus stop arm; and

(c) while the bus is stopped, for a purpose set out in clause (a), shall continue the signal-lights and stop arm in operation,

and subsection 147 (1) does not apply to a driver who stops in accordance with this subsection.

Idem

(8) Where a school bus driver has stopped, on a highway that does not have a median strip, for a purpose set out in clause (7) (a), the driver shall continue the signal-lights and stop arm in operation until all passengers leaving the bus who are crossing the highway have completed the crossing.

Exception

(9) Subsections (7) and (8) do not apply where the bus is stopped at a place where a signal-light traffic control system is in operation.

School bus loading zones

(10) In accordance with the regulations, a council of a municipality may by by-law designate school bus loading zones on highways under its jurisdiction to which subsection (7) does not apply.

Signing

(11) No by-law passed under subsection (10) becomes effective until the highways or portions thereof affected are marked to comply with this Act and the regulations.

Actuating red signal-lights, stop arm

(12) No person shall actuate the red signal-lights or the stop arm on the school bus on a highway under any circumstances other than those set out in subsection (7).

School bus stopping at designated loading zones

(13) No person shall stop a school bus on a highway for the purpose of receiving or discharging children on a highway,

(a) opposite a designated school bus loading zone; or

(b) at a designated school bus loading zone, except as closely as practicable to the right curb or edge of the roadway.

When words to be covered

(14) The words on a school bus "do not pass when signals flashing" and "school bus" shall be concealed while the bus is operated on a highway during a trip that does not involve, at any time during that trip, the transportation of mentally retarded adults to or from a training centre or of children.

When words to be exposed

(15) Every school bus transporting, on a highway, children to or from school or mentally retarded adults to or from a training centre shall have the words "school bus" and "do not pass when signals flashing" exposed.

Optional

(16) Where a school bus is transporting children other than to or from a school, the words "school bus" and "do not pass when signals flashing" may be exposed or concealed.

Regulations re school buses

(17) The Lieutenant Governor in Council may make regulations,

(a) respecting the operation of vehicles used for transporting children or for transporting mentally retarded adults to or from a training centre;

(b) prescribing the type, design and colour of vehicles referred to in clause (a) and the markings to be displayed thereon;

(c) requiring the use of any equipment on or in vehicles referred to in clause (a) and prescribing the standards and specifications of such equipment;

(d) prescribing the qualifications of drivers of vehicles referred to in clause (a) and prohibiting the operation thereof by unqualified persons;

(e) requiring the inspection of vehicles referred to in clause (a);

(f) respecting the designation of school bus loading zones, the location thereof, the erection of signs and the placing of markings on highways;

(g) prescribing the books and records that shall be kept by persons who operate vehicles used for transporting children or mentally retarded adults;

(h) requiring the retention of prescribed books within vehicles and prescribing the information to be contained and the entries to be recorded in the books.

(18) Any regulation made under subsection (17) may be general or particular in its application. Scope of regulations

(19) Every person who contravenes subsection (5) or (6) is guilty of an offence and on conviction is liable, Penalty

(a) for a first offence, to a fine of not less than $100 and not more than $500; and

(b) for each subsequent offence, to a fine of not less than $250 and not more than $1,000 or to imprisonment for a term of not more than six months, or to both.

(20) An offence referred to in subsection (19) committed five years or longer after the date of a previous conviction for either of the offences referred to in subsection (19) is not a subsequent offence for the purpose of clause (19) (b). Time limit for subsequent offence

20. Subsection 152 (1) of the said Act is repealed and the following substituted therefor:

(1) In this section, "school crossing guard" means a person sixteen years of age or older who is directing the movement of children across a highway and who is, Interpretation

(a) employed by a municipality; or

(b) employed by a corporation under contract with a municipality to provide the services of a school crossing guard.

21.—(1) Subsection 173 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 40, is further amended by striking out "$400" in the fourth line and inserting in lieu thereof "an amount prescribed by regulation".

(2) The said section 173 is amended by adding thereto the following subsection:

(5) The Lieutenant Governor in Council may make regulations prescribing the amount of property damage for the purposes of subsection (1). Regulations as to amount of property damage

22.—(1) This Act, except subsections 3 (1) and (2), section 4 and sections 9 to 18 and 21, comes into force on the day it receives Royal Assent. Commencement

Idem

(2) Subsections 3 (1) and (2), section 4 and sections 9 to 18 come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Section 21 comes into force on the 1st day of January, 1985.

Short title

23. The short title of this Act is the *Highway Traffic Amendment Act, 1984*.

CHAPTER 22

An Act to amend the Public Service Superannuation Act

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (1) (d) of the *Public Service Superannuation Act*, being chapter 419 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(d) "contributor" means,

(i) a civil servant,

(ii) a person employed in the service of the Crown on a recurring and consecutive basis for seasonal or recurring work for four months or more but less than twelve months in each year,

(iii) a person in a class of persons to whom this Act is made applicable,

(iv) the Provincial Auditor,

(v) the Assistant Provincial Auditor, or

(vi) a member of the staff of the Provincial Auditor,

but does not include,

(vii) a person who has not yet attained the age of eighteen years, or

(viii) a person who is a contributor to a fund to which the Crown contributes other than the Public Service Superannuation Fund, the

Superannuation Adjustment Fund and the Canada Pension Plan.

(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clause:

(ga) "salary", in relation to a person, means remuneration paid for services in the employment in relation to which the person is a contributor, but does not include an amount paid for a reason prescribed by the regulations.

(3) Subsection 1 (1) of the said Act is further amended by adding thereto the following clause:

(gb) "supplementary benefit" means a benefit in addition to the benefits provided in this Act.

(4) Section 1 of the said Act is amended by adding thereto the following subsection:

Option for seasonal or recurring work contributor

(4) Subclause (1) (d) (ii), which relates to persons employed on a recurring or consecutive basis, does not apply to a person so employed until the first day of the month next following the month in which the person files with the Board an election, signed by the person, to be a contributor under this Act.

2. Section 3 of the said Act is amended by adding thereto the following subsection:

Liability

(4) No proceeding for damages shall be commenced or continued against a member of the Board for an act done in good faith in the performance or intended performance of a duty or in the execution or intended execution of a power under this Act or the regulations or for neglect or default in the performance of a duty or the execution of a power under this Act or the regulations.

3. The said Act is amended by adding thereto the following section:

Rules for computations re part-time and seasonal or recurring work contributor

7a. For the purpose of computing the entitlements under this Act and the regulations of or related to a person who is a contributor by virtue of employment that is not full-time employment, the following rules apply:

1. Part-time service on a regular and continuing basis and service on a recurring and consecutive basis for

seasonal or recurring work shall be treated as continuous service.

2. A contributor employed on a regular and continuing part-time basis is entitled to credit for service in the proportion that the work period of the contributor bears to the work period of a contributor employed on a regular and continuing full-time basis in the same or a comparable position to that in which the contributor is employed.

3. A contributor employed on a recurring and consecutive basis for seasonal or recurring work shall be given credit for service in the proportion that the work period of the contributor in each year bears to the full year.

4. The salary of the contributor for a twelve-month period shall be calculated according to the following:

$$\frac{S}{T} \times F = A$$

where,

S = contributor's actual salary for the twelve-month period.

T = contributor's work period.

F = full-time work period (in the same units of time as for T, that is hours, days, weeks or months).

A = salary for the twelve-month period.

5. For the purpose of determining length of service, service for a part of a year shall be deemed to be service for the whole year.

6. Rule 5 does not apply for the purpose of computing the amount of an allowance or an annuity.

7. Rule 5 does not apply for the purpose of determining entitlement to a superannuation allowance under subsection 11 (2) or (3).

8. The person's average salary shall be computed using the person's salary for consecutive twelve-month periods computed in accordance with rule 4.

4. The said Act is further amended by adding thereto the following section:

Bridging after release from employment

7b.—(1) A person who is released from employment in the public service by reason of shortage of work or funds or the abolition of a position or other material change in organization and who is designated for the purposes of this section by the Lieutenant Governor in Council continues to be a contributor until the end of the month in which the person would have qualified for a superannuation allowance under this Act if the person had not been released from employment.

Contributions

(2) Contributions by or on behalf of a person mentioned in subsection (1) shall be made on the basis of the person's salary immediately before the person ceased to be employed in the public service.

Credit for service

(3) The period of time for which contributions are required to be made under subsection (1) shall be counted as contributory service.

5. Section 8 of the said Act is repealed and the following substituted therefor:

Contributions in respect of past service

8.—(1) A contributor is entitled to obtain credit in the Fund for past non-contributory service with the Crown in accordance with the following:

1. The contributor must give notice to the Board of intention to obtain the credit.

2. The contributor must pay into the Fund an amount for principal composed of the aggregate of an amount in lieu of contributions under this Act and an amount in lieu of contributions under the *Superannuation Adjustment Benefits Act* both as computed by the Board in respect of the period of service for which the credit is to be obtained.

R.S.O. 1980, c. 490

3. Where the amount for principal is computed under subclause (2) (a) (i) (continuous service, notice within one year) or under subsection (3) (current contributor, notice within one year), the contributor must pay into the Fund compound interest, at such rate as the Board determines, on the principal amount for the period of time from the date of

commencement of the non-contributory service to the date on which the notice of intention to obtain the credit is given to the Board.

4. Where the principal or interest or both are paid into the Fund in instalments, the contributor must pay into the Fund an amount for compound interest at such rate as the Board determines.

5. Credit for service on a regular and continuing part-time basis shall be computed in the proportion that the work period of the contributor bears to the full-time work period of a civil servant in the same or a comparable position to that in which the contributor was employed.

6. Credit for service on a recurring and consecutive basis for seasonal or recurring work shall be computed in the proportion that the work period of the contributor in each year bears to the full year.

Computation of principal amount

(2) For the purposes of subsection (1), the principal amount shall be computed,

(a) where the credit to be obtained is in respect of service continuous with service while a contributor and,

(i) the notice of intention to obtain the credit is given to the Board not more than one year after the contributor becomes a contributor, on the basis of the contributor's salary during the period for which the credit is to be obtained, or

(ii) the notice of intention to obtain the credit is given to the Board more than one year after the contributor becomes a contributor, on the basis of the contributor's salary on the date the notice is given; or

(b) where the credit to be obtained is in respect of service that is not continuous with service while a contributor, on the basis of the contributor's salary on the date the notice is given.

Idem

(3) Notwithstanding subsection (2), where notice of intention by a person who is a contributor on the day this subsection comes into force is given to the Board not more than one year after the date on which this section comes into force in

order to obtain credit in respect of service that is not continuous with service while a contributor, the principal amount shall be computed on the basis of the contributor's salary on the most recent occasion on which he became a contributor.

Where records no longer available

(4) For the purposes of subsections (1) to (3), where past employment or salary records are no longer available, the Board may determine the amount of the salary during the period of time for which the contributor intends to obtain credit and may determine the day on which the past non-contributory service with the Crown was commenced.

6.—(1) Subsection 9 (1) of the said Act is amended by striking out "illness or pregnancy" in the second and third lines and inserting in lieu thereof "illness, pregnancy or adoption of a child".

(2) Section 9 of the said Act is amended by adding thereto the following subsection:

Interpretation

(5) For the purpose of subsection (1), leave of absence because of pregnancy or adoption of a child includes all leave or leaves of absence in respect of the birth or adoption of the child.

7.—(1) Section 14 of the said Act is amended by adding thereto the following subsection:

Extension of guarantee

(8a) Subject to subsection (9), a person who is credited for the purposes of this Act with service that when added to the person's credit for service in the Fund establishes a date of commencement of service that is on or before the 31st day of December, 1965 shall, if he becomes entitled to an allowance or an annuity, receive an annual allowance or an annuity equal to that which he would have received if it had been computed under *The Public Service Superannuation Act* as it was on the 31st day of December, 1965.

R.S.O. 1960, c. 332

(2) Subsection 14 (9) of the said Act is amended by inserting after "subsection (8)" in the first line and in the eleventh line "or (8a)".

(3) Subsection 14 (8a) of the said Act, as enacted by subsection (1), applies only in respect of a person who is or who becomes a contributor on or after the date subsection (1) comes into force.

8. The said Act is further amended by adding thereto the following section:

Increase of survivor allowance

20a.—(1) A person who is a contributor or who is entitled to a deferred annuity under this Act may direct the Board to increase the amount of the survivor allowance related to the allowance or annuity to which the person will be entitled or related to the deferred annuity to 55 per cent, 60 per cent, 65 per cent, 70 per cent or 75 per cent of the allowance or annuity or deferred annuity and to reduce the amount of the allowance or annuity or deferred annuity accordingly.

Time limit

(2) A direction mentioned in subsection (1) must be in writing and must be delivered to the Board two years or more before the person commences to receive an allowance or an annuity or deferred annuity under this Act.

Exception

(3) The Board shall accept a direction mentioned in subsection (1) that is delivered to the Board less than two years before the person commences to receive an allowance or an annuity or deferred annuity under this Act, if the Board is satisfied that the person is in good health having regard to the person's age.

Actuarial reduction of allowance

(4) Where a direction mentioned in subsection (1) is delivered in accordance with subsection (2) or accepted in accordance with subsection (3), the amount of the allowance or annuity or deferred annuity payable to the person shall be actuarially reduced in a manner approved by the Board to allow for the survivor allowance in accordance with the direction, and the amount of the survivor allowance related to the allowance or annuity or deferred annuity shall be increased in accordance with the direction.

When direction not valid

(5) A direction mentioned in subsection (1) is not valid if the person who gives the direction dies before applying for an allowance or annuity or deferred annuity under this Act.

Revocation of direction

(6) A person who gives a direction mentioned in subsection (1) may revoke the direction by a written revocation delivered to the Board before the date of commencement of the person's allowance or annuity or deferred annuity.

9. Section 21 of the said Act is repealed and the following substituted therefor:

Long term income protection plan

R.S.O. 1980, c. 418

21.—(1) In this section, "approved long term income protection plan" means a plan established pursuant to the *Public Service Act* or a plan established by an employer of contributors that provides long term income protection insurance related to employment for which credit has been established under this Act.

Contribution on behalf of disabled contributor

(2) Where a contributor has qualified for a benefit under an approved long term income protection plan in respect of a disability incurred on or after the 1st day of July, 1974, a contribution shall be made to the Fund on behalf of the contributor,

(a) out of moneys appropriated therefor by the Legislature;

(b) out of the special fund of the branch designated for the purpose of subsection 10 (2); or

(c) by the board, commission or foundation that employed the contributor on the date when the contributor qualified for the benefit,

as the case requires, for each month or part of a month in respect of which the contributor continues to qualify for the benefit.

Amount

(3) The contribution mentioned in subsection (2) shall be 6 per cent of the salary authorized to be paid from time to time to a person in the same or a comparable position to that in which the contributor was employed in the month in which the contributor qualified for the benefit.

Receipt of benefit

(4) Subsection (2) applies whether or not the contributor is in receipt of the benefit.

Contributory service

(5) The period of time for which contributions are required to be made under subsection (2) shall be counted as contributory service.

Qualified as contributor

(6) Subsection (2) does not apply in respect of a person who has ceased to qualify as a contributor.

10. Section 25 of the said Act is repealed and the following substituted therefor:

Land registrars

25. This Act applies to every land registrar.

11. The said Act is further amended by adding thereto the following section:

Application of Act to Minister's staff

26a. This Act applies to every person appointed by a member of the Executive Council to a position designated by the Lieutenant Governor in Council in the service of the Crown in the office of a member of the Executive Council.

12. Section 27 of the said Act is repealed on the date that is one year after the day on which this Act comes into force.

13.—(1) Clause 28 (a) of the said Act is amended by striking out "full-time" in the first line.

(2) Section 28 of the said Act is amended by adding thereto the following subsection:

Staff under other Acts

(2) A statement in any other Act that this Act applies to the full-time staff provided for in the other Act shall be deemed to state that this Act applies also to the part-time staff provided for in the other Act.

14.—(1) Subsection 29 (2) of the said Act is amended,

(a) by adding thereto the following clause:

(fa) the pension plan in the *Teachers' Superannuation Act, 1983*; 1983, c. 84

(b) by inserting after "clergy" in the thirty-fifth line "or into the Teachers' Superannuation Fund".

(2) Subsection 29 (3) of the said Act is amended by adding thereto the following clause:

(fa) the pension plan in the *Teachers' Superannuation Act, 1983*.

(3) Subsection 29 (8) of the said Act is amended by inserting after "therein" in the sixth line "or with the Teachers' Superannuation Commission under the *Teachers' Superannuation Act, 1983*".

15. Section 34 of the said Act is amended by adding thereto the following subsections:

Application of subs. (1)

(3) Notwithstanding subsection (1), payment to a person out of the Fund is subject to garnishment, attachment or seizure in satisfaction of an order for support or maintenance enforceable in Ontario.

Notice of enforcement

(4) Subsection (3) applies only where the person receiving payment is given ten days notice, or such greater notice as is otherwise required by law in Ontario, as to the enforcement of the order.

16. Section 35 of the said Act is repealed.

17.—(1) Section 41 of the said Act is amended by adding thereto the following clause:

(aa) prescribing reasons for payment of amounts for the purpose of clause 1 (1) (ga), which relates to salary.

(2) The said section 41 is further amended by adding thereto the following clause:

(ab) providing for supplementary benefits and prescribing the terms and conditions upon which such supplementary benefits may be provided.

(3) The said section 41 is further amended by adding thereto the following clauses:

(ac) designating boards, commissions, foundations and positions for the purposes of section 28;

(ad) designating corporations, public institutions and Government related agencies for the purposes of section 29.

Commencement

18.—(1) This Act, except sections 12 and 14, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Sections 12 and 14 come into force on the 1st day of September, 1984.

Short title

19. The short title of this Act is the *Public Service Superannuation Amendment Act, 1984*.

CHAPTER 23

An Act to amend the Ontario Unconditional Grants Act

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (1) (c) of the *Ontario Unconditional Grants Act*, being chapter 359 of the Revised Statutes of Ontario, 1980, is amended by striking out "residential properties" in the first and second lines and inserting in lieu thereof "households".

(2) Subsection 1 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 9, section 1, is further amended by adding thereto the following clause:

(da) "household" means a parcel of land separately assessed under paragraph 2 of subsection 13 (2) of the *Assessment Act* according to the last returned assessment roll that is used or intended to be used as a residence, except that in respect of a Canadian Forces Base, "household" means a self-contained living unit consisting of two or more rooms in which the occupants usually sleep and prepare and serve meals. R.S.O. 1980, c. 31

(3) Clause 1 (1) (g) of the said Act is repealed and the following substituted therefor:

(g) "Minister" means the Minister of Municipal Affairs and Housing.

(4) Clause 1 (1) (k) of the said Act is repealed.

(5) Subsection 1 (2) of the said Act is repealed.

2. Section 2 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 9, section 2 and 1982, chapter 14, section 1, is repealed and the following substituted therefor:

Grants per household

2. In each year there shall be paid to every regional municipality a general grant of $30 per household, or such other amount per household as may be prescribed, based on the number of households in the area municipalities in that regional municipality.

3. Sections 2a and 2b of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 14, section 2, are repealed and the following substituted therefor:

Payments to area municipalities

2a. In each year there shall be paid to every area municipality an amount per household based on the density of the area municipality in accordance with Schedule 1 or such other amount per household based on density as may be prescribed.

Payments to upper tier and lower tier municipalities providing law enforcement

R.S.O. 1980, c. 381

2b. In each year a payment of $47 per household, or such other amount per household as may be prescribed, shall be made to every upper tier municipality and lower tier municipality providing its own law enforcement in accordance with the *Police Act* by maintaining its own police force or by having an agreement for the policing of the municipality by the police force of another municipality or by being under contract for the policing of the municipality by the Ontario Provincial Police Force.

4. Section 3, as re-enacted by the Statutes of Ontario, 1982, chapter 14, section 3 and section 3a of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 14, section 3, are repealed and the following substituted therefor:

Payments credited to general funds

3.—(1) Any payments received under sections 2 and 2b by a regional municipality shall be credited by the regional municipality to its general funds.

Credit to area municipalities

(2) Notwithstanding subsection (1), in each year, The Regional Municipality of Peel may credit each area municipality situate in that regional municipality with an amount calculated by multiplying the number of households of the area municipality by the sum of the grants payable per household under sections 2 and 2b.

5. Section 4 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 14, section 4, is repealed and the following substituted therefor:

General grant per household

4. In each year there shall be paid to every lower tier municipality not situate in a regional municipality a general grant of $30 per household, or such other amount per household as may be prescribed, based on the number of households in that municipality.

6. Clause 7 (1) (e) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 9, section 6, is further amended by striking out "subclauses 1 (1) (c) (i) and (iii)" in the fourth line and inserting in lieu thereof "subclauses 1 (1) (b) (i) and (iii)".

7.—(1) Subsection 8 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 9, section 7, is amended by striking out "capita" where it occurs in the third, fifth, eighth and ninth lines and inserting in lieu thereof in each instance "household".

(2) Subsections 8 (3) and (5) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 9, section 7, are repealed.

8. The said Act is amended by adding thereto the following section:

Revenue guarantee grants

8a. In each year there may be paid to any upper tier municipality and to any lower tier municipality a revenue guarantee grant in order to stabilize the total amount of grants received from year to year under this Act except for grants received under sections 5 and 9a, subject to such terms and conditions as may be prescribed.

9. Clause 14 (1) (e) of the said Act is repealed and the following substituted therefor:

(e) providing, for the purpose of calculating grants under this Act, for the revision by the Minister of financial data furnished by a municipality.

10. Schedule 1 to the said Act is repealed and the following substituted therefor:

SCHEDULE 1

Density	Amount Per Household
0.375 and under	$14.00
Over 0.375 to and including 0.750	11.20
Over 0.750 to and including 1.125	8.40
Over 1.125 to and including 1.500	5.60
Over 1.500 to and including 1.875	2.80
Over 1.875	Nil

Commencement

11. This Act shall be deemed to have come into force on the 1st day of January, 1984.

Short title

12. The short title of this Act is the *Ontario Unconditional Grants Amendment Act, 1984*.

CHAPTER 24

An Act respecting a Convention between Canada and the United Kingdom of Great Britain and Northern Ireland providing for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act, "convention" means the Convention for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters set out in the Schedule hereto.

Designation of Ontario and Ontario courts

2. The Attorney General shall,

(a) request the Government of Canada to designate Ontario as a province to which the convention extends; and

(b) determine the courts in Ontario to which application for registration of a judgment given by a court of the United Kingdom may be made and request the Government of Canada to designate those courts for the purpose of the convention.

Convention in force in Ontario

3. On, from and after the date the convention enters into force in respect of Ontario as determined by the convention, the convention is in force in Ontario and the provisions thereof are law in Ontario.

Publication of date and courts

4. The Attorney General shall cause to be published in *The Ontario Gazette* the date the convention is executed, the date the convention comes into force in Ontario and the courts to which application for registration of a judgment given by a court of the United Kingdom may be made.

Regulations

5. The Lieutenant Governor in Council may make such regulations as are necessary to carry out the intent and purpose of this Act.

This Act prevails

6. Where there is a conflict between this Act and any other Act or any regulation or rule of court made thereunder, this Act prevails.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *Reciprocal Enforcement of Judgments (U.K.) Act, 1984.*

SCHEDULE

CONVENTION BETWEEN CANADA AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND PROVIDING FOR THE RECIPROCAL RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL AND COMMERCIAL MATTERS

Canada,

and

The United Kingdom of Great Britain and Northern Ireland,

DESIRING to provide on the basis of reciprocity for the recognition and enforcement of judgments in civil and commercial matters;

HAVE AGREED AS FOLLOWS:

PART I

DEFINITIONS

ARTICLE I

In this Convention

(a) "appeal" includes any proceeding by way of discharging or setting aside a judgment or an application for a new trial or a stay of execution;

(b) "the 1968 Convention" means the Convention of 27th September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters as amended;

(c) "court of a Contracting State" means

(i) in relation to the United Kingdom, any court of the United Kingdom or of any territory to which this Convention extends pursuant to Article XIII,

(ii) in relation to Canada, the Federal Court of Canada or any court of a province or territory to which this Convention extends pursuant to Article XII,

ANNEXE

CONVENTION ENTRE LE CANADA ET LE ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD POUR ASSURER LA RECONNAISSANCE ET L'EXÉCUTION RÉCIPROQUES DES JUGEMENTS EN MATIÈRE CIVILE ET COMMERCIALE

Le Canada,

et

Le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord,

DÉSIRANT pourvoir sur une base de réciprocité à la reconnaissance et l'exécution des jugements en matière civile et commerciale,

SONT CONVENUS DES DISPOSITIONS SUIVANTES :

PARTIE I

DÉFINITIONS

ARTICLE I

Dans la présente Convention

a) "appel" s'entend entre autres de toute procédure tendant à faire annuler un jugement ou d'une demande en vue d'obtenir un nouveau procès ou une ordonnance de surseoir à l'exécution d'un jugement;

b) "la Convention de 1968" désigne la Convention du 27 septembre 1968 concernant la compétence judiciaire et l'exécution des décisions en matière civile et commerciale, ainsi que ses modifications;

c) "jugement" désigne toute décision, quelle que soit son appellation (jugement, arrêt, ordonnance, etc.), rendue par un tribunal en matière civile ou commerciale, et s'entend entre autres de la sentence arbitrale qui est devenue exécutoire sur le territoire d'origine de la même manière qu'un jugement rendu par un tribunal de ce territoire;

and the expressions "court of the United Kingdom" and "court of Canada" shall be construed accordingly;

(d) "judgment" means any decision, however described (judgment, order and the like), given by a court in a civil or commercial matter, and includes an award in proceedings on an arbitration if the award has become enforceable in the territory of origin in the same manner as a judgment given by a court in that territory;

(e) "judgment creditor" means the person in whose favour the judgment was given, and includes his executors, administrators, successors and assigns;

(f) "judgment debtor" means the person against whom the judgment was given and includes any person against whom the judgment is enforceable under the law of the territory of origin;

(g) "original court" in relation to any judgment means the court by which the judgment was given;

(h) "registering court" means a court to which an application for the registration of a judgment is made;

(i) "territory of origin" means the territory for which the original court was exercising jurisdiction.

PART II

SCOPE OF THE CONVENTION

ARTICLE II

1. Subject to the provisions of this Article, this Convention shall apply to any judgment given by a court of a Contracting State after the Convention enters into force and, for the purposes of Article IX, to any judgment given by a court of a third State which is party to the 1968 Convention.

2. This Convention shall not apply to

(a) orders for the periodic payment of maintenance;

(b) the recovery of taxes, duties or charges of a like nature or the recovery of a fine or penalty;

(c) judgments given on appeal from decisions of tribunals other than courts;

d) "partie gagnante" désigne toute personne au profit de laquelle le jugement a été rendu, et s'entend entre autres de ses exécuteurs, de ses administrateurs, de ses héritiers et de ses ayants cause;

e) "partie perdante" désigne toute personne contre laquelle le jugement a été rendu, et s'entend entre autres de toute personne contre laquelle le jugement peut être exécuté en vertu de la loi du territoire d'origine;

f) "territoire d'origine" désigne le territoire sur lequel le tribunal d'origine exerçait sa compétence;

g) "tribunal d'origine" en ce qui concerne tout jugement désigne le tribunal qui a rendu le jugement;

h) "tribunal de l'enregistrement" désigne le tribunal auquel est soumise une demande d'enregistrement d'un jugement;

i) "tribunal d'un État contractant" désigne :

(i) en ce qui concerne le Royaume-Uni, tout tribunal du Royaume-Uni ou de tout territoire auquel la présente Convention s'étend par l'application de l'article XIII;

(ii) en ce qui concerne le Canada, la Cour fédérale du Canada ou tout autre tribunal d'une province ou d'un territoire auquel la présente Convention s'étend par application de l'article XII,

et les expressions "tribunal du Royaume-Uni" et "tribunal du Canada" s'interprètent en conséquence.

PARTIE II

CHAMP D'APPLICATION DE LA CONVENTION

ARTICLE II

1. Sous réserve des dispositions du présent article, la présente Convention s'applique à tout jugement rendu par un tribunal d'un État contractant après l'entrée en vigueur de la Convention et, aux fins de l'article IX, à tout jugement rendu par un tribunal d'un État tiers qui est partie à la Convention de 1968.

2. La présente Convention ne s'applique pas

a) aux ordonnances relatives au versement périodique d'une obligation alimentaire;

b) à la perception d'impôts, de droits ou d'autres taxes semblables ni à la perception d'une amende;

c) aux jugements rendus sur appel des décisions des tribunaux qui ne sont pas des tribunaux judiciaires;

(d) judgments which determine

(i) the status or legal capacity of natural persons;

(ii) custody or guardianship of infants;

(iii) matrimonial matters;

(iv) succession to or the administration of the estates of deceased persons;

(v) bankruptcy, insolvency or the winding up of companies or other legal persons;

(vi) the management of the affairs of a person not capable of managing his own affairs.

3. Part III of this Convention shall apply only to a judgment whereby a sum of money is made payable.

4. This Convention is without prejudice to any other remedy available to a judgment creditor for the recognition and enforcement in one Contracting State of a judgment given by a court of the other Contracting State.

PART III

ENFORCEMENT OF JUDGMENTS

ARTICLE III

1. Where a judgment has been given by a court of one Contracting State, the judgment creditor may apply in accordance with Article VI to a court of the other Contracting State at any time within a period of six years after the date of the judgment (or, where there have been proceedings by way of appeal against the judgment, after the date of the last judgment given in those proceedings) to have the judgment registered, and on any such application the registering court shall, subject to such simple and rapid procedures as each Contracting State may prescribe and to the other provisions of this Convention, order the judgment to be registered.

2. In addition to the sum of money payable under the judgment of the original court including interest accrued to the date of registration, the judgment shall be registered for the reasonable costs of and incidental to registration, if any, including the costs of obtaining a certified copy of the judgment from the original court.

3. If, on an application for the registration of a judgment, it appears to the registering court that the judgment is in respect of different matters and that some, but not all, of the provisions of the judgment are such that if those provisions had been contained in separate judgments those judgments could properly have been registered, the judgment may be registered in respect of the provisions aforesaid but not in respect of any other provisions contained therein.

d) aux jugements qui statuent

(i) en matière d'état ou de capacité juridique des personnes physiques;

(ii) en matière de garde ou de tutelle des enfants;

(iii) en matière matrimoniale;

(iv) en matière successorale;

(v) en matière de faillite, d'insolvabilité ou de liquidation de sociétés ou autres personnes morales;

(vi) en matière d'administration des affaires d'une personne incapable d'administrer ses propres affaires.

3. La Partie III de la présente Convention ne s'applique qu'aux jugements condamnant au paiement d'une somme d'argent.

4. La présente Convention ne porte pas atteinte aux autres recours que possède la partie gagnante afin de faire reconnaître et exécuter dans un État contractant un jugement rendu par un tribunal de l'autre État contractant.

PARTIE III

EXÉCUTION DES JUGEMENTS

ARTICLE III

1. Lorsqu'un jugement a été rendu par un tribunal d'un État contractant, la partie gagnante peut demander, conformément aux dispositions de l'article VI, l'enregistrement de ce jugement à un tribunal de l'autre État contractant à tout moment dans les six ans de la date du jugement (ou, s'il y a eu appel, dans les six ans de la date du dernier jugement rendu dans cette affaire). Le tribunal de l'enregistrement ordonne, sous réserve des procédures simples et rapides qui peuvent être prévues par chaque État contractant et sous réserve des autres dispositions de la présente Convention, que le jugement soit enregistré.

2. En plus de la somme d'argent à payer d'après le jugement du tribunal d'origine, y compris les intérêts échus à la date de l'enregistrement, le jugement accordant l'enregistrement comprend les frais raisonnables d'enregistrement et les frais connexes, s'il y a lieu, y compris les frais d'obtention d'une copie certifiée conforme du jugement du tribunal d'origine.

3. Dans le cas où, lors d'une demande d'enregistrement d'un jugement, il apparaît au tribunal de l'enregistrement que ce jugement porte sur diverses questions et que certaines, mais pas toutes, des dispositions du jugement sont telles que, si elles avaient été contenues dans des jugements distincts, ces jugements auraient pu être dûment enregistrés, l'enregistrement peut être accordé à l'égard des dispositions susmentionnées mais non pas à l'égard des autres.

4. Subject to the other provisions of this Convention

(a) a registered judgment shall, for the purposes of enforcement, be of the same force and effect;

(b) proceedings may be taken on it; and

(c) the registering court shall have the same control over its enforcement,

as if it had been a judgment originally given in the registering court with effect from the date of registration.

ARTICLE IV

1. Registration of a judgment shall be refused or set aside if

(a) the judgment has been satisfied;

(b) the judgment is not enforceable in the territory of origin;

(c) the original court is not regarded by the registering court as having jurisdiction;

(d) the judgment was obtained by fraud;

(e) enforcement of the judgment would be contrary to public policy in the territory of the registering court;

(f) the judgment is a judgment of a country or territory other than the territory of origin which has been registered in the original court or has become enforceable in the territory of origin in the same manner as a judgment of that court; or

(g) in the view of the registering court the judgment debtor either is entitled to immunity from the jurisdiction of that court or was entitled to immunity in the original court and did not submit to its jurisdiction.

2. The law of the registering court may provide that registration of a judgment may or shall be set aside if

(a) the judgment debtor, being the defendant in the original proceedings, either was not served with the process of the original court or did not receive notice of those proceedings in sufficient time to enable him to defend the proceedings and, in either case, did not appear;

(b) another judgment has been given by a court having jurisdiction in the matter in dispute prior to the date of judgment in the original court; or

(c) the judgment is not final or an appeal is pending or the judgment debtor is entitled to appeal or to apply for leave to appeal against the judgment in the territory of origin.

4. Sous réserve des autres dispositions de la présente Convention

a) le jugement enregistré a, pour les fins de son exécution, la même force et les mêmes effets;

b) il pourra faire l'objet de procédures; et

c) le tribunal de l'enregistrement exerce le même contrôle sur son exécution,

comme s'il s'agissait d'un jugement qui avait été rendu initialement par le tribunal de l'enregistrement et était en vigueur depuis la date de son enregistrement.

ARTICLE IV

1. L'enregistrement d'un jugement doit être refusé ou annulé

a) si les obligations pécuniaires résultant du jugement sont éteintes;

b) si le jugement n'est pas susceptible d'exécution sur le territoire d'origine;

c) si le tribunal d'origine n'est pas considéré comme compétent par le tribunal de l'enregistrement;

d) si le jugement a été obtenu par des manoeuvres frauduleuses;

e) si l'exécution du jugement serait contraire à l'ordre public dans le territoire du tribunal de l'enregistrement;

f) s'il s'agit d'un jugement qui émane d'un pays ou d'un territoire autre que le territoire d'origine et a été enregistré au tribunal d'origine ou est devenu exécutoire sur le territoire d'origine de la même manière qu'un jugement rendu par ce tribunal; ou

g) si, de l'avis du tribunal de l'enregistrement, la partie perdante bénéficie de l'immunité de la juridiction de ce tribunal ou si elle bénéficiait de l'immunité devant le tribunal d'origine et ne s'était pas soumise à la compétence de ce tribunal.

2. La loi du tribunal de l'enregistrement peut rendre obligatoire ou facultative l'annulation de l'enregistrement d'un jugement

a) si l'acte introductif d'instance émanant du tribunal d'origine n'a pas été signifié à la partie perdante, défenderesse lors de la poursuite initiale, ou que cette partie n'a pas été informée de l'action intentée en temps utile pour lui permettre de présenter une défense et, dans l'un ou l'autre cas, n'a pas comparu;

b) si un autre jugement a été rendu par un tribunal compétent à l'égard du litige avant la date du jugement rendu par le tribunal d'origine; ou

c) lorsqu'il ne s'agit pas d'un jugement final, ou lorsqu'un appel est pendant ou que la partie perdante a droit d'en appeler ou de demander l'autorisation d'en appeler à l'encontre du jugement dans le territoire d'origine.

3. If at the date of the application for registration the judgment of the original court has been partly satisfied, the judgment shall be registered only in respect of the balance remaining payable at that date.

4. A judgment shall not be enforced so long as, in accordance with the provisions of this Convention and the law of the registering court, it is competent for any party to make an application to have the registration of the judgment set aside or, where such an application is made, until the application has been finally determined.

ARTICLE V

1. For the purposes of Article IV (1) (c) the original court shall be regarded as having jurisdiction if

(a) the judgment debtor, being a defendant in the original court, submitted to the jurisdiction of that court by voluntarily appearing in the proceedings;

(b) the judgment debtor was plaintiff in, or counterclaimed in, the proceedings in the original court;

(c) the judgment debtor, being a defendant in the original court, had before the commencement of the proceedings agreed, in respect of the subject matter of the proceedings, to submit to the jurisdiction of that court or of the courts of the territory of origin;

(d) the judgment debtor, being a defendant in the original court, was at the time when the proceedings were instituted habitually resident in, or being a body corporate had its principal place of business in, the territory of origin;

(e) the judgment debtor, being a defendant in the original court, had an office or place of business in the territory of origin and the proceedings were in respect of a transaction effected through or at that office or place; or

(f) the jurisdiction of the original court is otherwise recognised by the registering court.

2. Notwithstanding anything in sub-paragraphs (d), (e) and (f) of paragraph (1), the original court shall not be regarded as having jurisdiction if

(a) the subject matter of the proceedings was immoveable property outside the territory of origin; or

(b) the bringing of the proceedings in the original court was contrary to an agreement under which the dispute in question was to be settled otherwise than by proceedings in the courts of the territory of origin.

3. Si, au moment de la demande d'enregistrement, les obligations résultant du jugement rendu par le tribunal d'origine sont partiellement éteintes, le jugement ne sera enregistré qu'à l'égard des sommes encore dues à cette date.

4. Un jugement n'est pas exécuté tant que, conformément aux dispositions de la présente Convention et de la loi du tribunal de l'enregistrement, l'une des parties peut demander que l'enregistrement du jugement soit annulé, ou tant qu'une demande de ce genre n'aura pas été réglée définitivement.

ARTICLE V

1. Aux fins d'application de l'article IV 1) c), le tribunal d'origine est considéré comme compétent

a) si la partie perdante, défenderesse devant le tribunal d'origine, s'est soumise à la compétence de ce tribunal en comparaissant volontairement;

b) si la partie perdante était demanderesse principale ou reconventionnelle devant le tribunal d'origine;

c) si, avant que l'action ne soit entamée, la partie perdante, défenderesse devant le tribunal d'origine, s'est soumise, en ce qui concerne l'objet de la contestation, à la compétence de ce tribunal ou des tribunaux du territoire d'origine;

d) si la partie perdante défenderesse devant le tribunal d'origine avait, au moment où l'action a été intentée, une résidence habituelle sur le territoire d'origine, ou dans le cas d'une société, lorsqu'elle y avait sa principale place d'affaires;

e) si la partie perdante, défenderesse devant le tribunal d'origine, avait sur le territoire d'origine soit une succursale, soit une place d'affaires, et que la contestation concernait une affaire traitée à cette succursale ou cette place d'affaires; ou

f) si la compétence du tribunal d'origine est autrement admise par le tribunal de l'enregistrement.

2. Nonobstant les dispositions des alinéas d), e) et f) du paragraphe (1), le tribunal d'origine n'est pas considéré comme compétent

a) si l'objet de la contestation était un immeuble non situé sur le territoire d'origine; ou

b) si l'action a été entamée devant le tribunal d'origine contrairement à un engagement spécifiant que cette contestation devait être réglée autrement que par une action devant les tribunaux du territoire d'origine.

PART IV

PROCEDURES

ARTICLE VI

1. Any application for the registration in the United Kingdom of a judgment of a court of Canada shall be made

(a) in England and Wales, to the High Court of Justice;

(b) in Scotland, to the Court of Session;

(c) in Northern Ireland, to the High Court of Justice.

2. Any application for the registration in Canada of a judgment of a court of the United Kingdom shall be made

(a) in the case of a judgment relating to a matter within the competence of the Federal Court of Canada, to the Federal Court of Canada;

(b) in the case of any other judgment, to a court of a province or territory designated by Canada pursuant to Article XII.

3. The practice and procedure governing registration (including notice to the judgment debtor and applications to set registration aside) shall, except as otherwise provided in this Convention, be governed by the law of the registering court.

4. The registering court may require that an application for registration be accompanied by

(a) the judgment of the original court or a certified copy thereof;

(b) a certified translation of the judgment, if given in a language other than the language of the territory of the registering court;

(c) proof of the notice given to the defendant in the original proceedings, unless this appears from the judgment; and

(d) particulars of such other matters as may be required by the rules of the registering court.

ARTICLE VII

All matters concerning

(a) the conversion of the sum payable under a registered judgment into the currency of the territory of the registering court; and

(b) the interest payable on the judgment with respect to the period following its registration,

shall be determined by the law of the registering court.

PARTIE IV

PROCÉDURE

ARTICLE VI

1. Toute demande d'enregistrement dans le Royaume-Uni d'un jugement émanant d'un tribunal du Canada doit être présentée

a) pour l'Angleterre et le pays de Galles, à la "High Court of Justice";

b) pour l'Écosse, à la "Court of Session";

c) pour l'Irlande du Nord, à la "High Court of Justice".

2. Toute demande d'enregistrement au Canada d'un jugement émanant d'un tribunal du Royaume-Uni doit être présentée

a) dans le cas d'un jugement ayant trait à une matière relevant de la compétence de la Cour fédérale du Canada, à cette Cour;

b) dans le cas de tout autre jugement, au tribunal d'une province ou d'un territoire déterminé par le Canada par application de l'article XII.

3. Sauf stipulations contraires de la présente Convention, l'usage et la procédure régissant l'enregistrement (notamment l'avis à la partie perdante et les demandes pour faire annuler l'enregistrement) sont réglés par la loi du tribunal de l'enregistrement.

4. Le tribunal de l'enregistrement peut exiger que la demande d'enregistrement soit accompagnée

a) du jugement du tribunal d'origine ou d'une copie certifiée conforme;

b) d'une traduction certifiée conforme du jugement, s'il a été rendu dans une autre langue que celle du territoire du tribunal de l'enregistrement;

c) d'un document prouvant que le défendeur devant le tribunal d'origine a été informé de l'action intentée contre lui, à moins que cela ne s'infère du jugement; et

d) de toute autre indication que peuvent exiger les règles de pratique du tribunal de l'enregistrement.

ARTICLE VII

La loi du tribunal de l'enregistrement détermine les questions relatives

a) à la conversion, dans la monnaie du territoire du tribunal de l'enregistrement, de la somme d'argent à payer d'après le jugement enregistré; et

b) à l'intérêt dû à compter de la date de l'enregistrement du jugement.

PART V

RECOGNITION OF JUDGMENTS

ARTICLE VIII

Any judgment given by a court of one Contracting State for the payment of a sum of money which could be registered under this Convention, whether or not the judgment has been registered, and any other judgment given by such a court, which if it were a judgment for the payment of a sum of money could be registered under this Convention, shall, unless registration has been or would be refused or set aside on any ground other than that the judgment has been satisfied or could not be enforced in the territory of origin, be recognised in a court of the other Contracting State as conclusive between the parties thereto in all proceedings founded on the same cause of action.

PART VI

RECOGNITION AND ENFORCEMENT OF THIRD STATE JUDGMENTS

ARTICLE IX

1. The United Kingdom undertakes, in the circumstances permitted by Article 59 of the 1968 Convention, not to recognise or enforce under that Convention any judgment given in a third State which is a Party to that Convention against a person domiciled or habitually resident in Canada.

2. For the purposes of paragraph (1)

(a) an individual shall be treated as domiciled in Canada if and only if he is resident in Canada and the nature and circumstances of his residence indicate that he has a substantial connection with Canada; and

(b) a corporation or association shall be treated as domiciled in Canada if and only if it is incorporated or formed under a law in force in Canada and has a registered office there, or its central management and control is exercised in Canada.

PART VII

FINAL PROVISIONS

ARTICLE X

This Convention shall not affect any conventions, international instruments or reciprocal arrangements to which both Contracting States are or will be parties and which, in relation to particular matters, govern the recognition or enforcement of judgments.

PARTIE V

RECONNAISSANCE DES JUGEMENTS

ARTICLE VIII

Le jugement rendu par un tribunal d'un État contractant condamnant au paiement d'une somme d'argent qui pourrait être enregistré sous le régime de la présente Convention, qu'il ait été enregistré ou non, ou tout autre jugement rendu par un tel tribunal qui, s'il s'agissait d'un jugement condamnant au paiement d'une somme d'argent, pourrait être enregistré sous le régime de la présente Convention, sera reconnu par le tribunal de l'autre État contractant comme ayant l'autorité de la chose jugée entre les parties dans toute action intentée sur le même objet et pour la même cause, à moins que l'enregistrement n'ait été ou ne puisse être refusé ou annulé pour tout autre motif que celui selon lequel les obligations résultant du jugement sont éteintes ou ne pourraient pas être exécutées sur le territoire d'origine.

PARTIE VI

RECONNAISSANCE ET EXÉCUTION DES JUGEMENTS D'UN ÉTAT TIERS

ARTICLE IX

1. Le Royaume-Uni s'engage, dans les cas prévus par l'article 59 de la Convention de 1968, à ne pas reconnaître ou exécuter par application de cette Convention un jugement rendu dans un État tiers qui est partie à cette Convention contre une personne qui a son domicile ou sa résidence habituelle au Canada.

2. Pour l'application du paragraphe (1)

a) une personne n'est considérée comme ayant son domicile au Canada que si elle y réside dans des conditions dont il ressort qu'elle a avec le Canada un lien étroit; et

b) une société ou une association n'est considérée comme ayant son domicile au Canada que si elle est constituée ou formée en vertu d'une loi en vigueur au Canada et y a un siège social, ou si le siège de sa direction et de son contrôle se trouve au Canada.

PARTIE VII

DISPOSITIONS FINALES

ARTICLE X

La présente Convention ne déroge pas aux conventions, aux instruments internationaux ou aux accords réciproques auxquels les deux États contractants sont ou deviendront parties et qui, dans des matières particulières, règlent la reconnaissance ou l'exécution des jugements.

ARTICLE XI

Either Contracting State may, on the exchange of instruments of ratification or at any time thereafter, declare that it will not apply the Convention to a judgment that imposes a liability which that State is under a treaty obligation toward any other State not to recognise or enforce. Any such declaration shall specify the treaty containing the obligation.

ARTICLE XII

1. On the exchange of instruments of ratification, Canada shall designate the provinces or territories to which this Convention shall extend and the courts of the provinces and territories concerned to which application for the registration of a judgment given by a court of the United Kingdom may be made.

2. The designation by Canada may be modified by a further designation given at any time thereafter.

3. Any designation shall take effect three months after the date on which it is given.

ARTICLE XIII

1. The United Kingdom may at any time while this Convention is in force declare that this Convention shall extend to the Isle of Man, any of the Channel Islands, Gibraltar or the Sovereign Base Areas of Akrotiri and Dhekelia (being territories to which the 1968 Convention may be applied pursuant to Article 60 of that Convention).

2. Any declaration pursuant to paragraph (1) shall specify the courts of the territories to which application for the registration of a judgment given by a court of Canada shall be made.

3. Any declaration made by the United Kingdom pursuant to this Article may be modified by a further declaration given at any time thereafter.

4. Any declaration pursuant to this Article shall take effect three months after the date on which it is given.

ARTICLE XIV

1. This Convention shall be ratified; instruments of ratification shall be exchanged at London.

2. This Convention shall enter into force three months after the date on which instruments of ratification are exchanged.

3. This Convention may be terminated by notice in writing by either Contracting State and it shall terminate three months after the date of such notice.

ARTICLE XI

Chaque État contractant peut, au moment de l'échange des instruments de ratification ou à tout moment ultérieur, déclarer qu'il n'appliquera pas la Convention à un jugement qui impose une responsabilité que cet État ne peut pas, en vertu d'une obligation conventionnelle envers un autre État, reconnaître ou exécuter. Toute déclaration à cet effet doit faire mention du traité concerné.

ARTICLE XII

1. Au moment de l'échange des instruments de ratification, le Canada désignera les provinces ou territoires auxquels la présente Convention s'étendra ainsi que les tribunaux des provinces et des territoires auxquels peut être soumise une demande en vue de l'enregistrement d'un jugement rendu par un tribunal du Royaume-Uni.

2. Le Canada pourra, à tout moment ultérieur, modifier cette désignation.

3. Toute désignation prend effet trois mois après la date où elle est intervenue.

ARTICLE XIII

1. Le Royaume-Uni peut, à tout moment au cours de la présente Convention, déclarer qu'elle s'étend à l'île de Man, à l'une des îles anglo-normandes, à Gibraltar ou aux zones de souveraineté d'Akrotiri et de Dhekelia, (territoires auxquels la Convention de 1968 peut s'appliquer en vertu de l'article 60 de cette Convention).

2. Toute déclaration en vertu du paragraphe (1) doit préciser les tribunaux des territoires auxquels peut être soumise une demande en vue de l'enregistrement d'un jugement rendu par un tribunal du Canada.

3. Toute déclaration du Royaume-Uni en vertu du présent article peut être modifiée à tout moment ultérieur par une déclaration subséquente.

4. Toute déclaration en vertu du présent article prendra effet trois mois après la date où elle est intervenue.

ARTICLE XIV

1. La présente Convention sera ratifiée; les instruments de ratification seront échangés à Londres.

2. La présente Convention prendra effet trois mois après la date de l'échange des instruments de ratification.

3. Il peut être mis fin à la présente Convention au moyen d'un avis écrit de l'un des États contractants, et elle prendra fin trois mois à compter de la date de cet avis.

IN WITNESS WHEREOF, the undersigned, duly authorized thereto by their respective Governments, have signed this Convention.

DONE in duplicate at Ottawa, this 24th day of April 1984 in the English and French languages, each version being equally authentic.

EN FOI DE QUOI, les soussignés, dûment autorisés à cet effet par leurs Gouvernements respectifs, ont signé la présente Convention.

FAIT en double exemplaire à Ottawa, ce 24e jour d'avril 1984 dans les langues française et anglaise, chaque version faisant également foi.

For the Government of Canada

Pour le Gouvernement du Canada

_____

John C. Tait

For the Government of the United Kingdom of Great Britain and Northern Ireland

Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord

_____

R. H. Baker

CHAPTER 25

An Act to amend the Milk Act

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraphs 3, 5, 6 and 8 of section 1 of the *Milk Act*, being chapter 266 of the Revised Statutes of Ontario, 1980, are repealed.

(2) Paragraphs 7, 20, 23 and 24 of the said section 1 are repealed and the following substituted therefor:

7. "cream transfer station" means premises at which cream is received for the purpose of being transported to a plant for processing;

. . . . .

20. "milk transfer station" means premises at which milk is received for the purpose of being transported to a plant for processing;

. . . . .

23. "plant" means a cream transfer station, a milk transfer station or premises in which milk or cream or milk products are processed;

24. "processing" means heating, pasteurizing, evaporating, drying, churning, freezing, packaging, packing, separating into component parts, combining with other substances by any process or otherwise treating milk or cream or milk products in the manufacture or preparation of milk products or fluid milk products.

2. Subsection 3 (4) of the said Act is repealed and the following substituted therefor:

Quorum

(4) The chairman or vice-chairman and two other members of the Commission constitute a quorum, and the decision of the majority of the members of the Commission present and constituting a quorum is the decision of the Commission.

3. Subsection 13 (4) of the said Act is repealed and the following substituted therefor:

Appointments

(4) Such officers, field-men and other persons as are considered necessary for the exercise of the powers and the performance of the duties of the Director may be appointed under the *Public Service Act*, but the Minister may appoint, under this Act, as a field-man or grader any person who has been appointed or designated as a grader or inspector under the *Canada Agricultural Products Standards Act*.

R.S.O. 1980, c. 418

R.S.C. 1970, c. A-8

4.—(1) Subsection 20 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 56, section 2, is further amended by adding thereto the following paragraphs:

65a. regulating the inspecting, grading, packaging, packing, marking and labelling of milk products, providing for the establishment of grades, grade names and marks and specifications of containers and packages of milk products and the issue of inspection and grading certificates, and prescribing the fees payable upon inspection and grading of milk products;

65b. regulating and prohibiting the placing of any substance or foreign object in a milk product, the exposure of a milk product to any substance and the producing, processing and marketing of such milk product or a milk product that does not comply with the standards, grades, grade names or marks or specifications of containers and packages established by the regulations.

(2) Subsection 20 (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 18, section 3, is repealed and the following substituted therefor:

Adoption by reference

(2) Any regulation made under this section may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any grade, standard, grade name or mark, packaging, packing, marking or labelling requirement or specification of containers or packages established under the *Canada Agricultural Products Standards Act*, as amended or re-enacted from time to time, and may require compliance with any such grade, standard, grade

R.S.C. 1970, c.A-8

name or mark, packaging, packing, marking or labelling requirement or specification of containers or packages so adopted, including any such changes.

Commencement

5. **This Act comes into force on the day it receives Royal Assent.**

Short title

6. **The short title of this Act is the *Milk Amendment Act, 1984*.**

CHAPTER 26

An Act respecting the Marketing of Grain Corn

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Association" means the Ontario Corn Producers' Association incorporated under the *Agricultural Associations Act*; R.S.O. 1980, c. 8

(b) "buyer" means a person engaged in buying grain corn from producers of grain corn in Ontario;

(c) "licence" means a licence provided for under this Act;

(d) "Minister" means the Minister of Agriculture and Food;

(e) "regulations" means the regulations made under this Act.

Purpose and intent of Act

2.—(1) The purpose and intent of this Act is to provide for the financing of the Association so it may expend moneys to advance the production of corn in all its branches and improve the marketing of corn by,

(a) encouraging and promoting improvement in all phases of corn production and marketing;

(b) co-operating with government and agencies of government to improve the production and marketing of corn;

(c) holding meetings for the consideration of questions relating to the corn industry;

(d) co-operating with organizations of producers of agricultural products;

(e) collecting, arranging, assembling and disseminating information; and

(f) making representations to all levels of government and to agencies of government.

Use of licence fees by Association

(2) The Association may use licence fees paid to it under this Act for defraying the expenses of the Association in doing any thing referred to in subsection (1) and in carrying out its objects.

Licences

3.—(1) Except under the authority of a licence, no person shall sell grain corn to a buyer.

Idem

(2) Every person who sells grain corn to a buyer shall be deemed to be the holder of a licence, except when in default of payment of licence fees prescribed under this Act.

Exception

(3) Subsection (1) does not apply in respect of the sale of seed corn, sweet corn or popping corn.

Refund of licence fees

4.—(1) Every person who is the holder of a licence under section 3 may apply for a refund of any licence fees paid by him to the Association under this Act.

Idem

(2) Every application for a refund shall be made in the manner and within the time prescribed by the regulations.

Idem

(3) Where the Association receives an application for a refund, it shall refund the licence fees in the manner prescribed in the regulations and in any case not later than six months after receipt of the application therefor.

Producer-buyer

(4) Any person who is a producer and a buyer is entitled in his respective capacities as a producer and as a buyer to all the rights and privileges and is subject to all the duties and obligations of a producer and of a buyer.

Idem

(5) Any person who is a producer and a buyer shall be deemed to have received in his capacity as a buyer from himself in his capacity as a producer the grain corn produced by him that he buys, and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that this Act and the regulations apply.

Recommendation by directors of Association

5. Where the board of directors of the Association is of the opinion that a majority of the members of the Association are in favour thereof, the board of directors may recommend through the Minister to the Lieutenant Governor in Council

the making, amending or revoking of regulations respecting any of the matters set forth in section 6.

Regulations

6.—(1) Notwithstanding section 5, the Lieutenant Governor in Council may make regulations,

(a) fixing the amount of licence fees up to but not exceeding forty cents per tonne of any grain corn sold by a producer;

(b) requiring persons to pay to the Association licence fees owing by them;

(c) requiring any buyer who receives grain corn from a seller thereof to deduct, from the moneys payable to the seller, any licence fees payable by the seller to the Association, and to forward such licence fees to the Association;

(d) providing for the recovery by the Association of licence fees by suit in any court of competent jurisdiction, and requiring persons engaged in buying or selling grain corn to account for licence fees payable to the Association;

(e) prescribing the manner and the time within which applications for refund of licence fees shall be made and the manner in which refunds shall be made;

(f) providing for the exemption from this Act or any or all of the regulations of any grain corn or class thereof or any person or class of persons;

(g) prescribing forms and providing for their use.

Scope of regulations

(2) A regulation may be general or particular in its application.

Offence

7. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction is liable for a first offence to a fine of not more than $500 and for a subsequent offence to a fine of not more than $2,000.

Commencement

8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

9. The short title of this Act is the *Grain Corn Marketing Act, 1984*.

CHAPTER 27

An Act to amend the Live Stock and Live Stock Products Act

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 3 (1) (b) of the *Live Stock and Live Stock Products Act*, being chapter 245 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(b) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or the terms and conditions under which the licence is issued; or

. . . . .

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

Terms and conditions

(3) The Commissioner may impose such terms and conditions upon a licence as he considers proper.

2. The said Act is amended by adding thereto the following section:

Variation or removal of term or condition

3a. Where a licensee is not satisfied with a term or condition imposed upon his licence by the Commissioner, he may apply to the Commissioner to have the term or condition varied or removed and, where the Commissioner proposes to refuse to vary or remove the term or condition, he shall hold a hearing.

3.—(1) Clause 4 (1) (b) of the said Act is amended by inserting after "the" where it occurs the first time in the ninth line "terms and".

(2) Subsections 4 (2) and (3) of the said Act are repealed and the following substituted therefor:

Provisional suspension or refusal to renew

(2) Notwithstanding subsection (1), the Commissioner may, without a hearing, provisionally suspend or refuse to renew a licence where in his opinion it is necessary to do so for the immediate protection of,

(a) the safety or health of any person or the public;

(b) the interests of persons selling live stock or live stock products to the licensee; or

R.S.O. 1980, c. 159

(c) a fund for producers of live stock or live stock products established under the *Farm Products Payments Act*.

Notice of suspension or refusal to renew

(3) Notice of suspension or refusal to renew under subsection (2), together with the reasons therefor, shall be given forthwith to the licensee and, as soon as is practicable thereafter, the Commissioner shall hold a hearing to determine whether the licence should be further suspended or cancelled or whether renewal of the licence should be refused.

Continuation of licence pending renewal

(4) Subject to subsections (2) and (3), where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has,

(a) applied for a renewal of his licence;

(b) paid the prescribed fee;

(c) where proof of financial responsibility or security is required, furnished or deposited such proof or security; and

(d) observed or carried out the other provisions of this Act and the regulations and the terms and conditions under which the licence was issued,

his existing licence shall be deemed to continue until he has received the decision of the Commissioner on his application for renewal.

4. Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

Opportunity to show or achieve compliance

(1) An applicant or licensee shall be afforded an opportunity to show or to achieve compliance before a hearing with all lawful requirements for the issue or retention of a licence.

5.—(1) Subsection 7 (1) of the said Act is repealed and the following substituted therefor:

Appeal to Board

(1) Where the Commissioner refuses to issue or renew or suspends or cancels a licence or, after a hearing, imposes terms or conditions upon a licence or refuses to vary a term or condition of a licence, the applicant or licensee may by written notice delivered to the Commissioner and filed with the Board within fifteen days after receipt of the decision of the Commissioner appeal to the Board.

(2) Subsection 7 (3) of the said Act is amended by striking out "to determine whether the licence should be issued, renewed, suspended or cancelled" in the third and fourth lines.

6. Section 16 of the said Act is repealed and the following substituted therefor:

Offence

16.—(1) Subject to subsection (2), every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than $2,000 for a first offence and not more than $5,000 for any subsequent offence.

Idem

(2) Every person who engages in business as a live stock dealer without a licence therefor from the Commissioner is guilty of an offence and on conviction is liable to a fine of not less than $2,000 for a first offence and not less than $5,000 for any subsequent offence.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *Live Stock and Live Stock Products Amendment Act, 1984*.

CHAPTER 28

An Act to amend the Assessment Act

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 (1) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 47, section 1, is repealed and the following substituted therefor:

Regulations by Lieutenant Governor in Council

(1) The Lieutenant Governor in Council may make regulations,

(a) authorizing or requiring the Deputy Minister of Revenue or any officer of the Ministry of Revenue to exercise any power or perform any duty conferred or imposed upon the Minister by this Act or the regulations made under this Act;

(b) defining any word or expression used in this Act that has not already been expressly defined in this Act;

(c) prescribing for the purposes of clause 34 (3) (b) a higher rate of interest than 6 per cent;

(d) prescribing the form and method of application for the exemption described in paragraph 22 of section 3 and the information and documentation required to be filed by the applicant in support of the application;

(e) describing types or classes of improvements or additions for which no exemption under paragraph 22 of section 3 will be made;

(f) describing classes of persons, businesses or undertakings who may not apply to receive an exemption under paragraph 22 of section 3 and to whom no exemption will be made.

Regulations by the Minister

(1a) The Minister may make regulations,

(a) establishing assessment areas and assessment regions for assessment purposes;

(b) prescribing any form that is required by this Act or the regulations under this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form shall be completed and what information it shall contain;

(c) prescribing standards and procedures to be used for the purpose of equalizing assessments under this Act;

(d) prescribing the information and returns to be furnished by an assessment commissioner to any county or to any metropolitan or regional municipality;

(e) prescribing additional information to be included in the census to be taken by the assessment commissioner.

Retroactivity

(1b) A regulation made under this Act is, if it so provides, effective with reference to a period before it was filed.

(2) Subsection 2 (2a) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 47, section 1, is repealed.

(3) Section 2 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 47, section 1, is further amended by adding thereto the following subsection:

Administration of oaths

(5) An officer or employee of the Ministry who is thereunto authorized by the Minister may administer oaths and take and receive affidavits, declarations and affirmations for the purposes of, or incidental to, the administration of this Act, and every person so authorized has, in respect of any such oath, affidavit, declaration or affirmation, all the powers of a commissioner for taking affidavits.

2. Section 3 of the said Act is amended by adding thereto the following paragraph:

Improvements for seniors and handicapped persons

22. All alterations, improvements and additions commenced after the 15th day of May, 1984 and made to a parcel of land containing an existing residential unit for the purpose of providing accommodation for, or improved facilities for the accommodation

of, a person who would, but for the accommodation or improved facilities provided, require care in an institution and who has attained sixty-five years of age or is a handicapped person, where the owner of the property applies to the Minister for the exemption and the exemption is approved by the Minister, provided that,

i. a person who would otherwise require care in an institution and who has attained sixty-five years of age or is a handicapped person resides in the premises as his principal residence, and

ii. the land is assessed as residential and comprises not more than three residential units,

but the alteration, improvement or addition is not exempt where the person occupying the property in which the person who has attained sixty-five years of age or the handicapped person resides is in the business of offering care to such persons.

3. Section 12 of the said Act is amended by adding thereto the following subsection:

Idem

(2a) Every person who has made, or participated in, assented to or acquiesced in the making of, a false or deceptive statement in any application or supporting document required to determine eligibility for exemption from taxation under paragraph 22 of section 3 is guilty of an offence and on conviction is liable to a fine of the amount of the tax that, had the true facts been stated, would have been payable, plus an amount of not less than $50 and not more than $500.

4. Section 32 of the said Act is amended by adding thereto the following subsection:

Property incorrectly described as exempt from taxation

(3) If any land that is liable to taxation has been entered on the collector's roll for the current year or for any part or all of either or both of the next two preceding years as exempt from taxation, and no taxes have been levied on that land, the assessor shall make any assessment necessary to correct the omission and the clerk of the municipality upon notification thereof shall enter that land as liable to taxation on the collector's roll and such taxes as would have been payable if that land had been entered in the collector's roll as property liable to tax shall be levied and collected, but no such amendment shall be made where that land has been held by any court or assessment tribunal not to be liable to taxation.

5. Subsection 63 (2) of the said Act is amended by striking out "$2,500" in the fourth line and inserting in lieu thereof "$5,000".

6. Section 64 of the said Act is amended by striking out "$2,500" in the fourth line and inserting in lieu thereof "$5,000".

Commencement

7. This Act shall be deemed to have come into force on the 16th day of May, 1984 and applies in respect of every assessment for taxation in the year 1985 and subsequent years.

Short title

8. The short title of this Act is the *Assessment Amendment Act, 1984*.

CHAPTER 29

An Act to amend the Corporations Tax Act

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (1) (aa) of the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 29, section 1, is amended by adding thereto the following subclause:

(ii) paragraph 127.2 (6) (*a*).

(2) Subclause 1 (2) (d) (iv) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 29, section 1, is repealed and the following substituted therefor:

(iv) where subclause (i) applies, the section (except sections 12, 12.2 and 20, subparagraphs 53 (2) (*c*) (vi), (vii) and (viii) and 53 (2) (*h*) (ii), (iii) and (iv), sections 56, 60 and 88, paragraphs 95 (1) (*f*) and 127.2 (6) (*a*), subsections 127.2 (8) and 127.3 (6), paragraph 133 (8) (*b*), section 138, paragraph 138.1 (1) (*k*) and section 248 of that Act) shall be read as if the reference to the other provision were deleted.

2. Section 12 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 3, 1982, chapter 19, section 1 and 1983, chapter 29, section 2, is further amended by adding thereto the following subsections:

(9b) In the application of section 26 of the *Income Tax Act* (Canada) for the purposes of this Act, each reference therein to the "Minister of Finance" shall be deemed to be a reference to the Minister of Revenue, and the reasonable requirements of a bank shall be determined in the prescribed manner.

Banks
R.S.C. 1952, c. 148

. . . . .

Scientific research expenditures R.S.C. 1952, c. 148

(11) In the application of paragraph 37 (1) (*g*) of the *Income Tax Act* (Canada) for the purposes of this Act,

(a) clause 1 (2) (d) of this Act does not apply; and

(b) the aggregate of the amounts determined under paragraph 37 (1) (*g*) of the *Income Tax Act* (Canada) applies for the purposes of the application of that paragraph under this Act.

Interest repayments

(12) Paragraph 20 (1) (*ll*) of the *Income Tax Act* (Canada) is not applicable for the purposes of this Act and in lieu thereof there may be deducted the amount of interest paid by a corporation to the Receiver General of Canada or to the Treasurer or other government authority of a Province, to the extent that,

(a) the interest was previously received by, or applied to a liability of the corporation, in respect of an overpayment made on account of tax payable, pursuant to the provisions of an Act of the Parliament of Canada or the Legislature of a Province imposing a tax on the income or profits of the corporation;

(b) the interest was included in computing the income of the corporation from a business or property for the purposes of this Act; and

(c) the corporation was required to repay the interest as a result of a subsequent determination that the amount upon which the interest was calculated was not an overpayment of tax.

Idem R.S.C. 1952, c. 148

(13) Subsections 127.2 (8) and 127.3 (6) of the *Income Tax Act* (Canada) are applicable for the purposes of this Act in the determination of the cost of property other than capital property, including shares, debt obligations and rights, and in the determination of any amount to be included in the income of the corporation as a result of any adjustments to the cost of the property under this subsection.

Deemed government assistance

(14) Notwithstanding clause 1 (2) (d), in the application of subsection 13 (7.1) of the *Income Tax Act* (Canada) for the purposes of this Act, all amounts deducted under subsection 127 (5) or (6) of that Act in respect of depreciable property, or deemed to have been deducted in respect of depreciable property under subsection 127 (5) of that Act by operation of subsection 127.1 (3) or 192 (10) of that Act, shall, for the purposes of this Act, be deemed to be assistance received by the corporation before that time from a government.

Reduction of scientific research expenditures R.S.C. 1952, c. 148

(15) Notwithstanding clause 1 (2) (d), in the application of subsection 37 (1) of the *Income Tax Act* (Canada) for the purposes of this Act, all amounts deducted under subsection 127 (5) of that Act, or deemed to have been deducted under subsection 127 (5) by operation of subsection 127.1 (3) or 192 (10) of that Act in the application of subsection 37 (1) for the purposes of that Act, shall be deducted in the application of paragraph 37 (1) (*e*) of that Act for the purposes of this Act.

3. Section 13 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 3, is further amended by adding thereto the following subsections:

Idem

(6) Subsections 127.2 (8) and 127.3 (6) of the *Income Tax Act* (Canada) apply in the determination of the cost of and capital gain from the disposition of capital property which includes shares, debt obligations and rights.

Deemed government assistance R.S.C. 1952, c. 148

(7) Notwithstanding clause 1 (2) (d), in the application of paragraph 53 (2) (*k*) of the *Income Tax Act* (Canada) for the purposes of this Act, all amounts deducted under subsection 127 (5) or (6) of that Act, or deemed to have been deducted under subsection 127 (5) by operation of subsection 127.1 (3) or 192 (10) of that Act in the application of paragraph 53 (2) (*k*) for the purposes of that Act, shall be deemed to be assistance received by the corporation before that time from a government.

4.—(1) Subsection 14 (2) of the said Act is repealed.

(2) Clause 14 (3) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 37, section 4, is amended by striking out "paragraph (3.2) (*a*)" in the second line and inserting in lieu thereof "paragraphs (3.2) (*a*) and (3.3) (*f*)".

5. Subsection 15 (2) of the said Act is repealed.

6. Subsection 18 (6a) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 6, is amended by striking out "and (10.3)" in the first line and inserting in lieu thereof "(10.3) and (10.4)".

7. Subsection 23 (5) of the said Act is amended by striking out "paragraphs 89 (1) (*g*) and (*k*)" in the second and third lines and inserting in lieu thereof "paragraph 89 (1) (*g*)".

8. Section 27 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 10, is further amended by adding thereto the following subsections:

Idem

(5) Where a corporation claims a deduction under clause 33 (1) (b) or subsection 33a (1) from tax otherwise payable in a taxation year, the corporation shall be deemed to have deducted, in the computation of its taxable income for that year, except for the purposes of clause 33 (2c) (b), the amount of all losses deductible under subsection 111 (1) of the *Income Tax Act* (Canada), as made applicable by subsection (1), which were not deducted nor deemed by this subsection to have been deducted in the computation of taxable income for any preceding taxation year.

R.S.C. 1952, c. 148

Idem

(6) Where, under subsection (5),

(a) a corporation;

(b) a predecessor corporation of the corporation, within the meaning of section 87 of the *Income Tax Act* (Canada); or

(c) a subsidiary of the corporation, prior to a winding-up of the subsidiary to which the rules in subsection 88 (1) of the *Income Tax Act* (Canada) apply,

has been deemed to have deducted a loss in the computation of its taxable income for a taxation year, the amount of such loss shall not be deducted by the corporation in the computation of its taxable income for any other taxation year.

9.—(1) Subclause 32 (1) (a) (ii) of the said Act is repealed.

(2) Clause 32 (1) (d) of the said Act is repealed and the following substituted therefor:

R.S.C. 1952, c. 148

(d) the corporation is entitled to a deduction under section 126 of the *Income Tax Act* (Canada), hereinafter in this section referred to as a "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income,

. . . . .

(3) Clause 32 (1) (e) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 13, is repealed and the following substituted therefor:

(e) 15 per cent of the amount determined by multiplying such foreign investment income by the Ontario allocation factor for the taxation year; and

. . . . .

(4) Clause 32 (1) (f) of the said Act is repealed and the following substituted therefor:

(f) the amount determined by applying the Ontario allocation factor for the taxation year to the deficiency, if any, between,

(i) that portion of the income or profits tax paid for the taxation year by the corporation to the jurisdiction outside Canada in respect of such foreign investment income, that was not deducted, by virtue of subsection 20 (12) of the *Income Tax Act* (Canada) for the purposes of that Act or for the purposes of this Act by virtue of that subsection as made applicable by section 12 of this Act, in computing the corporation's income for the year, and

(ii) the foreign tax credit allowed for the taxation year in respect of such foreign investment income under subsection 126 (1) of the *Income Tax Act* (Canada). R.S.C. 1952, c. 148

(5) Section 32 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 29, section 13, is further amended by adding thereto the following subsection:

(3) For the purposes of this section, the Ontario allocation factor for the taxation year is the ratio that, Ontario allocation factor

(a) that portion of the corporation's taxable income not deemed to have been earned in jurisdictions outside of Ontario for the purposes of section 31,

is to,

(b) the corporation's taxable income.

10.—(1) Subsection 33 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 19, section 2 and amended by 1983, chapter 29, section 14, is further amended by inserting after "year" in the third line "has not claimed a deduction under subsection 33a (1) but".

(2) Section 33 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 19, section 2 and 1983, chapter 29, section 14, is further amended by adding thereto the following subsection:

Adjustment to taxable income

(2c) For the purposes of determining the amount of any deduction for a taxation year under subsection 33 (1), 33a (1) or 34 (1) from the tax otherwise payable under this Part, the amount of the corporation's taxable income for the year for the purposes of paragraph 125 (1) (*b*) of the *Income Tax Act* (Canada) shall be deemed, for the purposes of the application of that paragraph to subsections 33 (2), 33a (2) and 34 (2), to be,

R.S.C. 1952, c. 148

(a) the aggregate of,

(i) the amount of the corporation's taxable income for the year for the purposes of the *Income Tax Act* (Canada), and

(ii) the amount of losses deducted under section 111 of the *Income Tax Act* (Canada) by the corporation in the computation of its taxable income for the year for the purposes of that Act,

minus,

(b) the amount of losses deducted by the corporation under section 111 of the *Income Tax Act* (Canada), as made applicable by subsection 27 (1), in the computation of its taxable income for the year for the purposes of this Act.

(3) Subsection 33 (5) of the said Act is repealed and the following substituted therefor:

Interpretation

(5) In this section and section 33a, "tax otherwise payable under this Part" means the tax for the taxation year otherwise payable by the corporation under this Part after making any deduction applicable under sections 31 and 32, but before making any deduction under this section or section 33a, whichever is applicable, or section 34.

11. The said Act is amended by adding thereto the following section:

New enterprise incentive

33a.—(1) There may be deducted from the tax otherwise payable under this Part, for the first, second or third taxation year of a corporation that was incorporated after the 13th day

of May, 1982, an amount equal to 15 per cent of the amount determined under subsection (2), if the corporation is eligible to claim and has claimed, with respect to the taxation year, a deduction under subsection 125 (1) of the *Income Tax Act* (Canada). R.S.C. 1952, c. 148

Idem

(2) For the purposes of subsection (1), the amount determined under this subsection is,

(a) that proportion of the least of the amounts determined under paragraphs 125 (1) (*a*), (*b*), (*c*) and (*d*) of the *Income Tax Act* (Canada) for the taxation year, not exceeding $200,000,

that,

(b) the amount of that portion of its taxable income for the taxation year that is deemed to have been earned in Ontario, measured in accordance with paragraph 124 (4) (*a*) of the *Income Tax Act* (Canada), R.S.C. 1952, c. 148

bears to,

(c) the total amount of the portions of its taxable income for the taxation year that are deemed to have been earned in the provinces of Canada, measured in accordance with paragraph 124 (4) (*a*) of the *Income Tax Act* (Canada).

Eligibility

(3) Notwithstanding subsection (1), a corporation is not eligible for a deduction for the year under subsection (1) if it, or any predecessor corporation thereof within the meaning of section 87 of the *Income Tax Act* (Canada), at any time since the date of its incorporation,

(a) was related to any other corporation;

(b) carried on a non-qualifying business in Canada;

(c) carried on an active business by reason of being a member of a partnership;

(d) was a beneficiary of a trust;

(e) carried on an active business by reason of being a co-venturer in a joint venture with any other corporation;

(f) has carried on an active business by reason of having acquired (by purchase or otherwise) or leased property from another corporation (hereinafter referred to as the "vendor") in respect of which, it, any of its shareholders, or any persons related to it or its shareholders, beneficially owned at any time, directly or indirectly, more than 10 per cent of the issued shares of any class of the capital stock of the vendor; or

(g) has carried on an active business by reason of having acquired (by purchase or otherwise) or leased property in a manner prescribed by regulation or has engaged in any activities prescribed by regulation.

Idem

(4) A corporation shall not be entitled to a deduction under subsection (1) for the year if, as a result of a transaction or an event, or a series of transactions or events, property of a business has been transferred, or has been deemed to have been transferred, either directly or indirectly, to the corporation, and it is reasonable for the Minister to believe that one of the principal purposes of the transfer or deemed transfer is to enable a corporation to claim a deduction from tax under subsection (1) that would not otherwise be allowed.

Idem

(5) A corporation shall not be entitled to a deduction under subsection (1) for the year if, as a result of a disposition, a deemed disposition or a series of dispositions of shares of any corporation, it is reasonable for the Minister to believe that one of the principal purposes of the disposition or deemed disposition is to enable a corporation to claim a deduction from tax under subsection (1) to which it would not otherwise be entitled.

Non-qualifying business

(6) For the purposes of this section, a "non-qualifying business" means a business, other than a personal services business, which is,

(a) the professional practice of an accountant, dentist, lawyer, medical doctor, veterinarian or chiropractor;

(b) a business of providing services if more than 66 2/3 per cent of the gross revenue for the year of that business derived from services,

(i) is derived from services provided to, or performed for or on behalf of, one entity, and

(ii) can reasonably be attributed to services performed by persons who are specified shareholders of the corporation or persons related thereto,

unless the corporation employs in the business throughout the year more than five full-time employees who are not specified shareholders of the corporation or persons related thereto; or

(c) a business the principal purpose of which is to provide managerial, administrative, financial, maintenance or other similar services, to lease property (other than real property), or to provide any such services and to lease property (other than real property), to one or more businesses connected at any time in the year with the corporation.

Interpretation

(7) For the purposes of subsection (6),

(a) "business connected" has the meaning ascribed thereto by paragraph 125 (9) (*a*) of the *Income Tax Act* (Canada) as that paragraph read on the 1st day of January, 1984; R.S.C. 1952, c. 148

(b) "specified shareholder" has the meaning ascribed thereto by paragraph 125 (9) (*c*) of the *Income Tax Act* (Canada) as that paragraph read on the 1st day of January, 1984.

12.—(1) Clause 34 (2) (a) of the said Act is repealed and the following substituted therefor:

(a) the amount, if any, by which the corporation's eligible Canadian profits for the year exceeds,

(i) the least of the amounts determined under paragraphs 125 (1) (*a*), (*b*), (*c*) and (*d*) of the *Income Tax Act* (Canada) for the taxation year by a corporation to which subsection 125 (1) of that Act applies, and R.S.C. 1952, c. 148

(ii) the lesser of the amounts determined under paragraphs 125 (1.1) (*a*) and (*b*) of the *Income Tax Act* (Canada) for the taxation year by a corporation to which subsection 125 (1.1) of that Act applies; and

. . . . .

(2) Subclause 34 (2) (b) (i) of the said Act is repealed and the following substituted therefor:

(i) the least of the amounts determined under paragraphs 125 (1) (*a*), (*b*), (*c*) and (*d*) of the *Income Tax Act* (Canada) for the taxation year by a corporation to which subsection 125 (1) of that Act applies,

R.S.C. 1952, c. 148

(ia) the lesser of the amounts determined under paragraphs 125 (1.1) (*a*) and (*b*) of the *Income Tax Act* (Canada) for the taxation year by a corporation to which subsection 125 (1.1) of that Act applies.

13.—(1) Subsection 41 (2) of the said Act is amended by striking out "the taxation year immediately following" in the fourth line and inserting in lieu thereof "a taxation year following".

(2) Subsection 41 (3) of the said Act is repealed and the following substituted therefor:

R.S.C. 1952, c. 148, s. 133 (7.1,7.2), (8) (*b*,*c*) and s. 134 applicable

(3) The provisions of subsections 133 (7.1) and (7.2), paragraphs 133 (8) (*b*) and (*c*) and section 134 of the *Income Tax Act* (Canada) are applicable for the purposes of this section.

14. Section 49 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 37, section 9 and 1983, chapter 29, section 16, is further amended by adding thereto the following subsection:

Idem

(6) In the application of subsection 149 (10) of the *Income Tax Act* (Canada) for the purposes of this Act, the reference therein to "this Part" shall be deemed to be a reference to Part II of this Act.

15. Subclause 53 (1) (c) (ii) of the said Act is repealed and the following substituted therefor:

R.S.C. 1952, c. 148

(ii) subparagraphs 40 (1) (*a*) (iii) and 44 (1) (*e*) (iii) of the *Income Tax Act* (Canada) as those subparagraphs apply by virtue of subsections 13 (1) and (1a) of this Act, and

. . . . .

16. Subclause 54 (3) (c) (ii) of the said Act is repealed and the following substituted therefor:

(ii) subparagraphs 40 (1) (*a*) (iii) and 44 (1) (*e*) (iii) of the *Income Tax Act* (Canada) as those subparagraphs apply by virtue of subsections 13 (1) and (1a) of this Act, and R.S.C. 1952, c. 148

. . . . .

17. Subsection 61 (3) of the said Act is repealed and the following substituted therefor:

(3) For the purposes of this section, the taxable paid-up capital of a corporation shall be determined in accordance with the provisions of Division B of this Part, irrespective of whether the corporation is subject to tax under this Act. Non-resident corporations

18.—(1) Subsection 63 (1) of the said Act is repealed and the following substituted therefor:

(1) Except as provided in subsection 12 (10), every corporation referred to in subsection 49 (1), other than, Idem

(a) a corporation subject to the rules in subsection 149 (10) of the *Income Tax Act* (Canada) as made applicable by subsection 49 (6) of this Act; and R.S.C. 1952, c. 148

(b) a corporation referred to in paragraph 149 (1) (*m*) of the *Income Tax Act* (Canada) to which the rules in subsection 149 (10) of that Act do not apply,

shall not be required to pay taxes otherwise payable under section 58 or 60.

(2) Subsection 63 (2) of the said Act is repealed and the following substituted therefor:

(2) Subject to subsection (3), every corporation referred to in clause 1 (1) (d) or (e) and sections 39 and 43 of this Act, and paragraph 149 (1) (*m*) of the *Income Tax Act* (Canada), other than a corporation which is subject to the rules in subsection 149 (10) of the *Income Tax Act* (Canada) as made applicable by subsection 49 (6) of this Act, shall, in lieu of the tax payable under section 58 or 60, pay a tax of $50. Idem

19. Subsection 70 (9) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 19, section 5, is repealed and the following substituted therefor:

(9) Where a corporation made a deduction under clause 33 (1) (b) or subsection 33a(1) from tax otherwise payable for a previous taxation year, it shall be deemed to have made Idem

such deduction from tax under clause 33 (1) (a), and not under clause 33 (1) (b) or subsection 33a(1), for the purposes of calculating,

(a) the instalments required under clause (2) (a); and

(b) its first instalment base and second instalment base for the purposes of clause (2) (a),

for a taxation year other than,

(c) a tax exempt year within the meaning of subsection 33 (2a); and

(d) a taxation year for which the corporation will make a deduction under subsection 33a(1) from tax otherwise payable for that year.

20.—(1) Subsection 73 (2) of the said Act is repealed and the following substituted therefor:

Determination of losses

(2) Where the Minister determines that the amount of a corporation's non-capital loss, net capital loss, restricted farm loss or farm loss for the taxation year is different from the amount reported by the corporation in its return of income for that taxation year, the Minister shall, if requested by the corporation, notify the corporation without undue delay of the amount determined to be such loss.

(2) Subsection 73 (3) of the said Act is amended by striking out "or restricted farm loss" in the eleventh line and inserting in lieu thereof "restricted farm loss or farm loss".

(3) Subsection 73 (4) of the said Act is amended by striking out "or restricted farm loss" in the third line and inserting in lieu thereof "restricted farm loss or farm loss".

(4) Clause 73 (7) (b) of the said Act is repealed and the following substituted therefor:

(b) within eight years from the day of mailing of a notice of the original assessment or of a notification that no tax is payable for the taxation year, where the corporation has claimed a deduction for the taxation year under section 41 or 111 of the *Income Tax Act* (Canada), as applicable to this Act; and

R.S.C. 1952, c. 148

(c) within six years from the day of mailing of a notice of the original assessment or of a notification that

no tax is payable for the taxation year, in any other case,

. . . . .

21.—(1) Subsection 77 (1) of the said Act is amended by striking out "ninety days" in the second line and inserting in lieu thereof "180 days".

(2) Subsection 77 (5) of the said Act is repealed and the following substituted therefor:

Idem

(5) A reassessment made by the Minister pursuant to subsection (4) is not invalid by reason only of not having been made within the time period described in clause 73 (7) (b) or (c).

22. Section 84 of the said Act is repealed and the following substituted therefor:

Extension of time

84. The time within which a notice of objection or a notice of appeal is to be served may be extended by the Minister if application for extension is made,

(a) with respect to a notice of objection under subsection 77 (1), within one year from the day of mailing of the notice of assessment that is the subject of the objection; or

(b) with respect to a notice of appeal under subsection 78 (1), before the expiration of the time allowed thereunder for service of the notice of appeal.

23.—(1) Clause 85 (2) (b) of the said Act is amended by striking out "Tax Review Board" in the second line and inserting in lieu thereof "Tax Court of Canada".

(2) Subsection 85 (4) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 37, section 17, is repealed and the following substituted therefor:

Idem

(4) A reassessment made by the Minister pursuant to subsection (2) is not invalid by reason only of not having been made within the time period described in clause 73 (7) (b) or (c).

24. Subsection 86 (4) of the said Act is repealed and the following substituted therefor:

Authority to enter and search

(4) Where the Minister has reasonable and probable grounds to believe that a contravention of this Act or a regulation has occurred or is likely to occur, he may, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon an *ex parte* application which is supported by evidence on oath establishing the facts upon which the application is based, authorize in writing any officer of the Ministry of Revenue, together with such members of the Ontario Provincial Police Force or other police officers as he calls upon to assist him and such other persons as may be named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the violation of any provision of this Act or the regulations thereunder, and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

25.—(1) Subsection 93 (1) of the said Act is repealed and the following substituted therefor:

Garnishment

(1) Where the Minister has knowledge or suspects that a person is or will be, within ninety days, liable to make a payment to a corporation which is liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require that person to pay forthwith, where the moneys are immediately payable, and, in any other case, as and when the moneys become payable, the moneys otherwise payable to the corporation in whole or in part to the Treasurer of Ontario on account of the corporation's liability under this Act.

(2) Section 93 of the said Act is amended by adding thereto the following subsections:

Idem

(1a) Notwithstanding subsection (1), where the Minister has knowledge or suspects that within ninety days,

(a) a bank, credit union, trust company or other similar person (in this section referred to as the "institution") will loan or advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by a corporation which is indebted to the institution and which has granted security in respect of the indebtedness; or

(b) a person other than an institution will loan or advance moneys to, or make a payment on behalf of, a corporation which the Minister knows or suspects,

(i) is engaged in providing services or property to that person, or was or will be within ninety days, or

(ii) where that person is a corporation which is not dealing at arm's length with the first mentioned corporation,

he may, by registered letter or by a letter served personally, require the institution or the person, as the case may be, to pay in whole or in part to the Treasurer of Ontario, on account of the corporation's liability under this Act, the moneys that would otherwise be loaned, advanced or paid, and any moneys paid to the Treasurer shall be deemed to have been loaned, advanced or paid, as the case may be, to the corporation.

Idem (1b) Where, under this section, the Minister has required a person to pay to the Treasurer of Ontario moneys otherwise payable by the person to the corporation as interest, rent, remuneration, a dividend, an annuity payment, or other periodic payment,

(a) the requirement shall apply to all such periodic payments to be made by the person to the corporation after the date of receipt by him of the Minister's letter, until the corporation's liability under this Act has been satisfied; and

(b) the payments required to be made to the Treasurer of Ontario shall be made from each such periodic payment in the amount or amounts designated in the Minister's letter.

(3) Subsection 93 (3) of the said Act is repealed and the following substituted therefor:

Idem (3) Every person who fails to comply with a requirement under subsection (1) or (1b) is liable to pay to Her Majesty in right of Ontario an amount equal to the amount that he was required under subsection (1) or (1b), as applicable, to pay to the Treasurer of Ontario.

(4) Section 93 of the said Act is further amended by adding thereto the following subsection:

Idem (3a) Every institution or person who fails to comply with a requirement under subsection (1a) with respect to moneys to be loaned, advanced or paid is liable to pay to Her Majesty in right of Ontario an amount equal to the lesser of,

(a) the aggregate of moneys so loaned, advanced or paid; and

(b) the amount that the institution or person was required by subsection (1a) to pay to the Treasurer of Ontario.

26. The said Act is further amended by adding thereto the following section:

Moneys seized in criminal proceedings

93a.—(1) Where the Minister knows or suspects that a person is holding moneys that were seized by a police officer in the course of administering or enforcing the criminal law of Canada from a corporation, which is liable to make a payment under this Act, that are restorable to the corporation, he may, by registered letter or by a letter served personally, require that person to turn over the moneys otherwise restorable to the corporation in whole or in part to the Treasurer of Ontario on account of the corporation's liability under this Act.

Receipt

(2) The receipt of the Minister for moneys turned over as required by this section is a good and sufficient discharge of the requirement to restore the moneys to the corporation to the extent of the amount so turned over.

27. The said Act is further amended by adding thereto the following sections:

Security

94a. The Minister may, if he considers it advisable, accept security for the payment of taxes by a corporation by way of a mortgage or other charge of any kind upon the property of the corporation or of any other person, or by way of a guarantee of the payment of the taxes by another person.

Costs

94b. Where the Minister, in the course of obtaining payment of taxes, interest or penalties owed by a corporation under this Act, incurs reasonable costs and charges upon,

(a) the registration of a notice claiming first lien and charge under subsection 92 (1);

(b) the personal service of a letter referred to in section 93;

(c) the bringing of an action for the recovery of tax, interest and penalties under clause 94 (1) (a); and

(d) the issuance and execution of a warrant referred to in clause 94 (1) (b) to the extent not recovered by the Sheriff upon execution thereof,

the costs and charges may be recovered from the corporation.

Idem

94c. For the purpose of collecting debts owed by a corporation to Her Majesty in right of Ontario under this Act, the Minister may purchase or otherwise acquire any interest in the corporation's property that the Minister is given a right to acquire in legal proceedings or under a court order or that is offered for sale or redemption and may dispose of any interest so acquired in such manner as he considers reasonable.

28. The said Act is further amended by adding thereto the following section:

Payment of tax by receivers

95a.—(1) Every person required by subsection 67 (3) to file a return for a corporation for a taxation year shall, within thirty days from the day of mailing of the notice of assessment, pay all taxes, interest and penalties payable by or in respect of that corporation to the extent that he has or had, at any time since the taxation year, in his possession or control property belonging to the corporation or its estate and shall thereupon be deemed to have made the payment on behalf of the corporation.

Certificate of taxes paid

(2) Every assignee, liquidator, receiver, receiver-manager, and other agent, other than a trustee in bankruptcy, before distributing any property of the corporation under his control, shall obtain a certificate from the Minister certifying that all taxes, interest and penalties that have been assessed under this Act and are chargeable against or payable out of the property of the corporation have been paid or that security for the payment thereof in a form acceptable to the Minister has been given under section 94a.

Personal liability of receivers

(3) Any person referred to in subsection (2) who fails to obtain the certificate referred to therein shall be personally liable to Her Majesty in right of Ontario for an amount equal to the taxes, interest and penalties payable under subsection (1) and such debt shall be deemed to be tax owing by such person under this Act and may be enforced in accordance with the provisions of this Act.

29. Subsection 96 (1) of the said Act is amended by striking out "capital assets" in the fifth line and inserting in lieu thereof "property".

Commencement and application

R.S.C. 1952, c. 148

30.—(1) Subsection 1 (1), the references to subparagraphs 53 (2) (*c*) (vii) and (viii), 53 (2) (*h*) (iii) and (iv), paragraph 127.2 (6) (*a*) and subsections 127.2 (8) and 127.3 (6) and paragraph 138.1 (1) (*k*) of the *Income Tax Act* (Canada) contained in subclause 1 (2) (d) (iv) of the said Act, as re-enacted by subsection 1 (2) of this Act, subsections 12 (11), (13) and (14) of the said Act, as enacted by section 2 of this Act, section 3, subsection 73 (2) of the said Act, as re-enacted by subsection 20 (1) of this Act, and subsections 73 (3) and (4) of the said Act, as amended by subsections 20 (2) and (3) of this Act, shall be deemed to have come into force on the 1st day of January, 1983 and apply to corporations in respect of all taxation years ending after the 31st day of December, 1982.

Idem

R.S.C. 1952, c. 148

(2) The reference to section 12.2 of the *Income Tax Act* (Canada) contained in subclause 1 (2) (d) (iv) of the said Act, as re-enacted by subsection 1 (2) of this Act, shall be deemed to have come into force on the 1st day of January, 1983, and applies to corporations in respect of all taxation years commencing after the 31st day of December, 1982.

Idem

(3) The reference to subparagraphs 53 (2) (*c*) (vi) and 53 (2) (*h*) (ii) of the *Income Tax Act* (Canada) contained in subclause 1 (2) (d) (iv) of the said Act, as re-enacted by subsection 1 (2) of this Act, shall be deemed to have come into force on the 1st day of January, 1982 and applies to corporations in respect of all taxation years ending after the 31st day of December, 1981.

Idem

(4) The removal of the reference to section 69 of the *Income Tax Act* (Canada) in subclause 1 (2) (d) (iv) of the said Act, as re-enacted by subsection 1 (2) of this Act, shall be deemed to have come into force on the 1st day of May, 1983, and applies in respect of dispositions of aviation turbine fuel made after the 30th day of April, 1983.

Idem

(5) The reference to section 88 of the *Income Tax Act* (Canada) in subclause 1 (2) (d) (iv) of the said Act, as re-enacted by subsection 1 (2) of this Act, shall be deemed to have come into force on the 17th day of November, 1978, and applies with respect to corporate windings-up commencing after the 16th day of November, 1978.

Idem

R.S.C. 1952, c. 148

(6) The reference to paragraph 133 (8) (*b*) of the *Income Tax Act* (Canada) in subclause 1 (2) (d) (iv) of the said Act, as re-enacted by subsection 1 (2) of this Act, and the reference to paragraphs 133 (8) (*b*) and (*c*) and section 134 of the *Income Tax Act* (Canada) in subsection 41 (3) of the said Act, as re-enacted by subsection 13 (2) of this Act, shall be deemed to have come into force on the 8th day of December, 1977.

Idem

(7) Subsection 12 (9b) of the said Act, as enacted by section 2 of this Act, shall be deemed to have come into force on the 16th day of May, 1984, and applies to corporations in respect of all taxation years ending after the 15th day of May, 1984.

Idem

(8) Subsection 12 (12) of the said Act, as enacted by section 2 of this Act, shall be deemed to have come into force on the 20th day of April, 1983, and applies to all corporations with respect to repayments of interest made after the 19th day of April, 1983.

Idem

(9) Subsection 12 (15) of the said Act, as enacted by section 2 of this Act, shall be deemed to have come into force on the 8th day of March, 1978, and applies to all corporations with respect to expenditures of a current nature incurred after the 7th day of March, 1978.

Idem

(10) Subsection 4 (1) and sections 5, 24, 25, 26, 27, 28 and 29 come into force on the day this Act receives Royal Assent.

Idem

(11) Subsection 4 (2) shall be deemed to have come into force on the 20th day of April, 1983, and applies to all corporations with respect to amounts which became receivable by the corporation after the 19th day of April, 1983.

Idem

(12) Section 6 shall be deemed to have come into force on the 17th day of March, 1983, and applies with respect to Canadian exploration expenses, Canadian development expenses and Canadian oil and gas property expenses incurred by a joint exploration corporation after the 16th day of March, 1983, other than any such expense incurred after the 16th day of March, 1983, and before the 1st day of October, 1984, in respect of which payments or loans referred to in subparagraph 66 (15) (*i*) (ii) of the *Income Tax Act* (Canada), as re-enacted by 1983-84, chapter 1, subsection 27 (10) (Can.), are made to the joint exploration corporation pursuant to arrangements that were substantially advanced and evidenced in writing on or before the 16th day of March, 1983.

R.S.C. 1952, c. 148

Idem

(13) Section 7 and the deletion of the reference to subsection 133 (5) of the *Income Tax Act* (Canada) in the re-enactment of subsection 41 (3) of the said Act by subsection 13 (2) of this Act, shall be deemed to have come into force on the 1st day of January, 1979.

R.S.C. 1952, c. 148

Idem

(14) Sections 8 and 19 shall be deemed to have come into force on the 14th day of May, 1982 with respect to taxation years of a corporation ending after the 13th day of May, 1982, where the corporation has claimed a deduction from tax for any year under clause 33 (1) (b) of the said Act, and shall be

deemed to have come into force on the 14th day of May, 1985, with respect to taxation years ending after the 13th day of May, 1985, where the corporation has not claimed a deduction from tax for any year under clause 33 (1) (b) but has claimed a deduction from tax for any year under subsection 33a (1) of the said Act.

Idem

(15) Subsections 9 (1) and (2) shall be deemed to have come into force on the 1st day of January, 1978, and apply to all taxation years of a corporation ending after the 31st day of December, 1977.

Idem

(16) Subsections 9 (3), (4) and (5) shall be deemed to have come into force on the 1st day of January, 1976, and apply to all taxation years of a corporation ending after the 31st day of December, 1975.

Idem

(17) Subsections 10 (1) and (3) and section 11 shall be deemed to have come into force on the 14th day of May, 1985 and apply to taxation years of corporations ending after the 13th day of May, 1985.

Idem

(18) Subsection 10 (2) shall be deemed to have come into force on the 16th day of May, 1984 and applies with respect to taxation years of a corporation ending after the 15th day of May, 1984.

Idem

(19) Section 12 shall be deemed to have come into force on the 24th day of October, 1979, and applies to taxation years commencing after 1979 in respect of corporations in existence on the 23rd day of October, 1979 and to taxation years commencing after the 23rd day of October, 1979 in any other case.

Idem

(20) Subsection 13 (1) shall be deemed to have come into force on the 1st day of January, 1982, and applies to the computation of taxable income by corporations for taxation years ending after 1981 with respect to net capital losses determined for taxation years ending after 1983.

Idem

(21) Sections 14 and 18 shall be deemed to have come into force on the 13th day of November, 1981, and apply to corporations which became subject to tax after the 12th day of November, 1981.

Idem

(22) Sections 15 and 16 shall be deemed to have come into force on the 12th day of December, 1979, and apply to all taxation years of corporations ending after the 11th day of December, 1979.

Idem

(23) Section 17 shall be deemed to have come into force on the 20th day of May, 1980.

Idem

(24) Subsections 20 (4), 21 (2) and 23 (2) shall be deemed to have come into force on the 20th day of April, 1983 and apply to assessments issued after the 19th day of April, 1983.

Idem

(25) Subsection 21 (1) and section 22 shall be deemed to have come into force on the 15th day of February, 1984, and apply to assessments issued after the 14th day of February, 1984.

Idem

(26) Subsection 23 (1) shall be deemed to have come into force on the 18th day of July, 1983.

Short title

31. The short title of this Act is the *Corporations Tax Amendment Act, 1984*.

CHAPTER 30

An Act to amend the Small Business Development Corporations Act

Assented to June 13th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclauses 1 (1) (a) (ii), (iii), (iv) and (v) of the *Small Business Development Corporations Act*, being chapter 475 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

(ii) any corporation of which such person serves as an officer or director,

(iii) any corporation which is affiliated with associates of such person as otherwise determined under this clause,

(iv) any trust or estate in which such person has, in the opinion of the Minister, a substantial beneficial interest,

(v) any trust or estate for which such person serves as trustee or in a similar capacity,

(vi) any trust or estate in which associates of such person, as otherwise determined under this clause, have, in the opinion of the Minister, a substantial beneficial interest,

(vii) any partner of such person or any participant in a joint venture of which such person is also a participant, or

(viii) any member of the family of such person.

(2) Subsection 1 (1) of the said Act is amended by adding thereto the following clauses:

(fa) "member of the family" means, with respect to a person,

(i) his spouse,

(ii) his child,

(iii) his father, mother, brother or sister or any lawful descendant of such brother or sister,

(iv) the brother or sister of his father or mother or any lawful descendant of any such brother or sister,

(v) the father, mother or any brother or sister of his spouse or any lawful descendant of any such brother or sister,

(vi) his son-in-law or daughter-in-law,

R.S.O. 1980, c. 66

(vii) a person adopted by him under the *Child Welfare Act* or the spouse or any lawful descendant of such person, or

(viii) his grandfather or grandmother;

. . . . .

R.S.O. 1980, c. 152

(p) "spouse" means spouse as defined in section 1 and subclause 14 (b) (i) of the *Family Law Reform Act*.

2.—(1) Subsection 5 (1) of the said Act is amended by striking out "Subject to subsection (4)" at the commencement thereof.

(2) Subsections 5 (4) and (5) of the said Act are repealed.

3. Section 7 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 35, section 3 and 1983, chapter 26, section 1, is repealed and the following substituted therefor:

Capital requirements

7.—(1) By the end of its first year of registration under this Act and at all times thereafter, a small business development corporation shall have equity shares issued and outstanding for equity capital of at least $100,000, but not exceeding $10,000,000 if the corporation is offering its equity shares to the public and $5,000,000 in the case of any other corporation.

Investment requirement

(2) Within the first twelve months after the date of issuance of any equity shares of a small business development corporation and throughout the next twelve months, the small business development corporation shall have acquired and maintained eligible investments, the acquisition cost of which shall be an amount, calculated in the prescribed manner, equal to at least 40 per cent of the equity capital received on the issuance of the equity shares.

Idem

(3) After the end of the twenty-fourth month following the date of issuance of equity shares, the small business development corporation shall have acquired and shall maintain eligible investments, the acquisition cost of which shall be an amount, calculated in the prescribed manner, equal to at least 70 per cent of the equity capital received on the issuance of the equity shares.

Idem

(4) Where a grant or tax credit with respect to any equity share has been paid or allowed out of an incentive fund referred to in clause 22a(1) (a) or (b), each eligible investment referred to in subsections (2) and (3) shall have been made after the 15th day of May, 1984, and shall meet the prescribed conditions of being an eligible investment in a small business which is,

(a) primarily located in northern and eastern Ontario, if the grant or tax credit was paid or allowed out of the northern and eastern Ontario incentive fund; and

(b) a new enterprise, if the grant or tax credit was paid or allowed out of the new enterprise incentive fund.

Idem

(5) For the purposes of this section, where a small business development corporation disposes of an eligible investment, it shall be deemed to maintain the investment for a period of six months following the date of the disposition.

4.—(1) Subclause 9 (1) (d) (v) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 35, section 4, is repealed and the following substituted therefor:

(v) any prescribed purpose or object.

(2) Clause 9 (1) (e) of the said Act is repealed and the following substituted therefor:

(e) the total number of equity shares acquired by all shareholders of the small business which are small business development corporations does not exceed

49 per cent of the issued and outstanding equity shares of the small business determined in accordance with subsections (2) and (3).

(3) Clause 9 (1) (ea) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 35, section 4, is repealed.

(4) Clause 9 (1) (eb) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 35, section 4 and amended by 1983, chapter 26, section 3, is repealed.

(5) Subsection 9 (2) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 35, section 4, is repealed and the following substituted therefor:

Deemed issued equity shares

(2) For the purposes of clause (1) (e), any additional equity shares that would be issued,

(a) on the exercise of a conversion right attached to an existing debt obligation or outstanding share of the small business; or

(b) on the exercise of any existing option, warrant or right issued or granted by the small business,

shall be deemed to have been issued and to be outstanding equity shares.

Deemed ownership

(3) In determining the percentage of shares of a small business held by a small business development corporation,

(a) equity shares of the small business held by a shareholder of the small business development corporation, and by any associates of such shareholder, shall be deemed to be held by the small business development corporation; and

(b) options, warrants and rights in respect of equity shares of the small business issued by any person other than the small business and held by a shareholder of the small business development corporation, or by any associates of such shareholder, shall be deemed to have been exercised and the equity shares in respect thereof to be held by the small business development corporation.

5. Clause 10 (1) (d) of the said Act is repealed and the following substituted therefor:

(d) debt obligations that meet all of the conditions of subsection 9 (1), except clause (c) thereof; or

. . . . .

6.—(1) Clause 12 (1) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 26, section 4, is repealed and the following substituted therefor:

(b) as a result of the investment, more than 49 per cent of the issued and outstanding equity shares of the corporation would be held by small business development corporations, their shareholders and associates of their shareholders; or

. . . . .

(2) Clause 12 (1) (d) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 26, section 4, is repealed and the following substituted therefor:

(d) as a result of the investment, the aggregate of,

(i) the issue price of all outstanding shares, and

(ii) the balance of all outstanding debt obligations,

of the corporation and its affiliates held by small business development corporations would exceed $2,500,000; or

(e) the security issued to the small business development corporation entitled the holder thereof to claim a credit against income tax payable under the *Income Tax Act* (Canada) with respect to the purchase of such security. R.S.C. 1952, c. 148

7. Subsection 20 (2) of the said Act is repealed and the following substituted therefor:

(2) The Minister shall not make a grant under section 21 or allow a tax credit under section 22 to any shareholder of a small business development corporation if the small business development corporation has, Idem

(a) failed to establish and maintain a trust fund to the satisfaction of the Minister in accordance with section 8; or

(b) designated any of its issued securities to be a type of security entitling the holder thereof to claim a credit

R.S.C. 1952, c. 148

against income tax payable under the *Income Tax Act* (Canada) with respect to the purchase of such security.

8. The said Act is amended by adding thereto the following section:

Incentive funds

22a.—(1) The moneys appropriated by the Legislature for the payment of grants and the allowance of tax credits under this Act shall be held by the Minister in accordance with subsection (2) in separate funds, being,

(a) the northern and eastern Ontario incentive fund;

(b) the new enterprise incentive fund; and

(c) the general fund.

Allocation to incentive funds

(2) The amount or percentage of the moneys appropriated by the Legislature for the payment of grants and the allowance of tax credits under this Act that shall be allocated in each year to the incentive funds described in clause (1) (a) or (b) shall be the amount or percentage that is from time to time specified by order of the Lieutenant Governor in Council made on the recommendation of the Treasurer of Ontario and Minister of Economics.

Incentive fund election

(3) Prior to the Minister making a grant or allowing a tax credit to a shareholder of a small business development corporation in respect of equity shares issued after the 15th day of May, 1984, the small business development corporation shall file an election in the prescribed form designating, with respect to each such equity share, the fund described in subsection (1) from which a grant or tax credit is to be paid or allowed to the holder of such equity share.

Payment from funds

(4) The Minister shall make a grant or allow a tax credit to a shareholder of the small business development corporation with respect to each equity share issued after the 15th day of May, 1984, only from the fund designated by the small business development corporation in the election filed under subsection (3).

Commencement

9.—(1) Clause 12 (1) (e) of the said Act, as enacted by subsection 6 (2), and clause 20 (2) (b) of the said Act, as enacted by section 7, shall be deemed to have come into force on the 1st day of July, 1983, and apply to securities issued after the 30th day of June, 1983.

Idem

(2) Except as provided in subsection (1), this Act shall be deemed to have come into force on the 16th day of May, 1984.

Application

(3) Notwithstanding subsection (2), where an investment has been made by a small business development corporation before the 16th day of May, 1984, or where a small business development corporation has entered into a binding written commitment before the 16th day of May, 1984 to make an investment and the investment is made by the small business development corporation after the 15th day of May, 1984, the status of the investment as an eligible investment under the Act or as an asset which may be maintained by the small business development corporation shall be determined as if sections 1, 4 and 6 of this Act had not been enacted.

Short title

10. The short title of this Act is the *Small Business Development Corporations Amendment Act, 1984*.

CHAPTER 31

An Act to amend the Employment Standards Act

Assented to June 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 40a (3) (c) of the *Employment Standards Act*, being chapter 137 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1981, chapter 22, section 2, is repealed.

(2) Section 40a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 22, section 2, is amended by adding thereto the following subsections:

Election by employee

(7) Where an employee who is entitled to severance pay under this section has a right to be recalled for employment under the terms and conditions of employment, the employee may elect to be paid the severance pay forthwith or may elect to maintain the right to be recalled.

Effect of election to accept severance pay

(8) Where the employee elects under subsection (7) to be paid the severance pay forthwith, the employee shall be deemed to have abandoned the right to be recalled.

Effect of election to maintain right of recall

(9) Where the employee elects to maintain the right to be recalled or fails to make an election, the employer shall pay the severance pay to the Director in trust to be paid by the Director,

(a) to the employer, where the employee accepts employment made available under the right of recall and such acceptance takes place in the period provided under the terms and conditions for recall or within a period of twelve months from the termination whichever period is shorter and in such case the employee shall be deemed to have abandoned the right to severance pay;

(b) to the employer, where during the period of twelve months from the termination the employee advises

the Director in writing that the employee elects to retain the right to be recalled and in such case the employee shall be deemed to have abandoned the right to severance pay; or

(c) to the employee in any case other than a case mentioned in clause (a) or (b) and, upon payment, the employee shall be deemed to have abandoned the right to be recalled.

2. The said Act is amended by adding thereto the following section:

Interest on trust funds

51a.—(1) Upon an application for review under section 50, the wages paid to the Director in trust shall be paid into an interest bearing account to abide the decision of a referee and shall be paid out in accordance with the decision of the referee together with any interest earned thereon.

Interest on award of a referee

(2) In a hearing under section 51, a referee may, where it appears just and equitable to do so, direct that interest calculated in the same manner as prejudgment interest in the Supreme Court be paid by an employer upon any wages to which an employee is entitled.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Employment Standards Amendment Act, 1984*.

CHAPTER 32

An Act respecting Conveyancing Documents and Procedures and the Recording of Title to Real Property

Assented to June 27th, 1984

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

DOCUMENTS

Interpretation

1. In this Part,

(a) "charge" means a charge on land given for the purpose of securing the payment of a debt or the performance of an obligation, and includes a charge under the *Land Titles Act* and a mortgage, but does not include a rent charge; R.S.O. 1980, c. 230

(b) "charge book" means the book maintained under subsection 8 (5);

(c) "chargee" means a person in whose favour a charge is given;

(d) "chargor" means a person who gives a charge;

R.S.O. 1980, c. 445

(e) "Director" means the Director of Land Registration appointed under subsection 6 (1) of the *Registry Act;*

(f) "discharge" means a discharge of a charge and includes a cessation of charge under the *Land Titles Act* and a certificate of discharge of mortgage under the *Registry Act*;

(g) "document" includes an instrument as defined in clause 1 (f) of the *Registry Act*;

(h) "land" means land, tenements, hereditaments and appurtenances and any estate or interest therein;

(i) "land registrar" means a land registrar appointed under the *Land Titles Act* or the *Registry Act*;

(j) "prescribed" means prescribed by the regulations;

(k) "regulations" means the regulations made under this Part;

(l) "successor" means an heir, executor or administrator;

(m) "transfer" means a conveyance of freehold or leasehold land and includes a deed and a transfer under the *Land Titles Act*, but does not include a lease or a charge;

(n) "transferee" means a person in whose favour a transfer is given;

(o) "transferor" means a person who gives a transfer.

Application of Part

2. This Part applies to documents affecting or relating to land in the parts of Ontario that are designated by regulation.

Form of documents R.S.O. 1980, cc. 230, 445

3.—(1) A document shall not be registered under the *Land Titles Act* or the *Registry Act*, or deposited under Part II of the *Registry Act*, unless,

(a) its form and manner of completion and execution comply with this Part and the regulations; or

(b) it is attached to a document whose form and manner of completion and execution comply with this Part and the regulations.

Transitional

(2) Despite subsection (1), a document that is executed before the day the land it affects or to which it relates is designated under clause 14 (a) may be registered under the *Registry Act* or the *Land Titles Act*, or deposited under Part II of the *Registry Act*, as if this Act had not been passed.

R.S.O. 1980, cc. 445, 230

Saving

(3) Failure to comply with subsection (1) does not, in itself, invalidate a document that has been registered under the *Land Titles Act* or the *Registry Act*, or deposited under Part II of the *Registry Act*, after the coming into force of this section.

Director may authorize registration or deposit

(4) The Director may authorize the registration under the *Land Titles Act* or the *Registry Act*, or the deposit under Part II of the *Registry Act*, of a document whose form or manner of execution does not comply with this Part and the regulations.

Court may order registration or deposit

(5) Where the form or manner of execution of a document does not comply with this Part or the regulations, the county or district court of the county or district in which the land that the document affects or to which it relates is situated may, on an application made on notice to the Director, order that the document be registered under the *Land Titles Act* or the *Registry Act*, or deposited under Part II of the *Registry Act*.

Appeal

(6) An order or refusal to make an order under subsection (5) may be appealed to the Divisional Court by the applicant or by the Director.

Incorporation of schedules

4.—(1) A document attached as a schedule to a document whose form is prescribed shall be deemed to be part of the document whose form is prescribed.

Prescribed form governs

(2) Where there is a conflict between the contents of a document whose form is prescribed and the contents of a document attached to it as a schedule, the document whose form is prescribed prevails.

Transfer: implied covenants

5.—(1) A transfer in the prescribed form shall be deemed to include the following covenants and release by the transferor, for the transferor and the transferor's successors, to and with the transferee and persons deriving title under the transferee:

Usual covenants and release

1. In a transfer of freehold or leasehold land by the beneficial owner for valuable consideration, unless the transfer is expressed to be a quitclaim:

   i. That the transferor has the right to convey the land to the transferee.

   ii. That the transferee shall have quiet enjoyment of the land.

   iii. That the transferor or the transferor's successors and assigns will execute such further assurances of the land and do such other acts, at the transferee's expense, as may be reasonably required.

   iv. That the transferor has not done, omitted or permitted anything whereby the land is or may be encumbered, except as the records of the land registry office disclose.

   v. That the transferor releases to the transferee all the transferor's existing claims on the land, except as the transfer provides and the records of the land registry office disclose.

Covenant re leasehold

2. In a transfer of leasehold land by the beneficial owner for valuable consideration:

   That, despite anything done, omitted or permitted by the transferor, the lease or grant creating the term or estate for which the land is transferred is, at the time the transfer is given, a valid lease or grant of the property conveyed, in full force, unforfeited and unsurrendered, and that there is no subsisting default in the payment of the rents reserved by or in the performance of the covenants, conditions and agreements contained in the lease or grant at the time the transfer is given.

Covenants and release by trustee, etc.

3. In a transfer of freehold or leasehold land by a transferor who transfers as trustee or chargee, as personal representative of a deceased person, as committee of a mentally incompetent person, or under a court order:

   i. That the transferor has not done, omitted or permitted anything whereby the land is or

may be encumbered or whereby the transferor is hindered from giving the transfer.

ii. That the transferor or the transferor's successors and assigns will execute such further assurances of the land and do such other acts, at the transferee's expense, as may be reasonably required.

iii. That the transferor releases to the transferee all the transferor's existing claims on the land, except as the transfer provides and the records of the land registry office disclose.

4. In a transfer of freehold or leasehold land by way of settlement by a transferor who transfers as settlor: Settlor's covenant for further assurances

That the transferor and the transferor's successors and assigns will execute such further assurances of the land and do such other acts, at the expense of any person deriving title under the transfer, as may be reasonably required.

(2) Where a transfer to which subsection (1) applies is given by or to more than one person, the covenants deemed to be included by that subsection are made, Multiple parties

(a) by each transferor to the extent of the interest or share transferred by the transferor; and

(b) with the transferees jointly, if the transfer is made to them jointly, or with each transferee, if the transfer is made to them as tenants in common.

(3) Where a transfer to which subsection (1) applies is given at the direction of the beneficial owner, the transfer shall be deemed to include the appropriate covenants set out in subsection (1) on the part of the beneficial owner as if the beneficial owner were the transferor. Covenant by beneficial owner directing transfer

(4) A covenant deemed to be included in a transfer by this section may, in a schedule to the transfer, be expressly excluded or be varied by setting out the covenant, appropriately amended. Amendment of implied covenants

(5) The benefit of a covenant deemed to be included in a transfer by this section runs with the interest of the transferee in the land transferred, and may be enforced by any person in whom the interest or part of it vests. Enforcement of covenant

Charge not a transfer

6.—(1) A charge does not operate as a transfer of the legal estate in the land to the chargee.

Defeasance

(2) A charge ceases to operate when the money and interest secured by the charge are paid, or the obligations whose performance is secured by the charge are performed, in the manner provided by the charge.

Rights and remedies preserved

(3) Despite subsection (1), a chargor and chargee are entitled to all the legal and equitable rights and remedies that would be available to them if the chargor had transferred the land to the chargee by way of mortgage, subject to a proviso for redemption.

Charge: implied covenants

7.—(1) A charge in the prescribed form shall be deemed to include the following covenants by the chargor, for the chargor and the chargor's successors, with the chargee and the chargee's successors and assigns:

Usual covenants

1. In a charge of freehold or leasehold land by the beneficial owner:

   i. That the chargor or the chargor's successors will pay, in the manner provided by the charge, the money and interest it secures, and will pay the taxes assessed against the land.

   ii. That the chargor has the right to give the charge.

   iii. That the chargor has not done, omitted or permitted anything whereby the land is or may be encumbered, except as the records of the land registry office disclose.

   iv. That the chargor or the chargor's successors will insure the buildings on the land as specified in the charge.

   v. That the chargee on default of payment for the number of days specified in the charge or in the *Mortgages Act*, whichever is longer, may on giving the notice specified in the charge or required by that Act, whichever is longer, enter on and take possession of, receive the rents and profits of, lease or sell the land.

R.S.O. 1980, c. 296

   vi. That where the chargee enters on and takes possession of the land on default as described

in subparagraph v, the chargee shall have quiet enjoyment of the land.

vii. That the chargor or the chargor's successors will, on default, execute such assurances of the land and do such other acts, at the chargee's expense, as may be reasonably required.

viii. That the chargee may distrain for arrears of interest.

ix. That on default of payment of the interest secured by the charge, the principal money shall, at the option of the chargee, become payable.

Covenant re freehold

2. In a charge of freehold land by the beneficial owner, that the chargor has a good title in fee simple to the land, except as the records of the land registry office disclose.

Covenant re leasehold

3. In a charge of leasehold land by the beneficial owner:

i. That, despite anything done, omitted or permitted by the chargor, the lease or grant creating the term or estate for which the land is held is, at the time the charge is given, a valid lease or grant of the land charged, in full force, unforfeited and unsurrendered, and that there is no subsisting default in the payment of the rents reserved by or in the performance of the covenants, conditions and agreements contained in the lease or grant at the time the charge is given.

ii. That the chargor or the chargor's successors will, while the moneys secured by the charge remain unpaid, pay, observe and perform all the rents reserved by and all the covenants, conditions and agreements contained in the lease or grant and will indemnify the chargee against all costs and damages incurred by reason of any non-payment of rent or non-observance or non-performance of the covenants, conditions and agreements.

Multiple parties

(2) Where a charge to which subsection (1) applies is given by or to more than one person, the covenants deemed to be included by that subsection are made,

(a) by the chargors jointly and severally, unless the charge specifies otherwise; and

(b) with the chargees jointly, unless the moneys secured are expressly secured to them in several shares or distinct sums.

Amendment of implied covenants

(3) A covenant deemed to be included in a charge by subsection (1) may, in a schedule to the charge, or in a set of standard charge terms filed under subsection 8 (1) and referred to in the charge by its filing number, be expressly excluded or be varied by setting out the covenant, appropriately amended.

Enforcement of covenant

(4) A covenant deemed to be included in a charge by subsection (1) may be enforced by a successor or assignee of the chargee.

Prescribed terms

(5) A charge in the prescribed form shall be deemed to include the prescribed standard charge terms, unless a set of standard charge terms filed under subsection 8 (1) is referred to in the charge by its filing number.

Amendment of prescribed terms

(6) A prescribed standard charge term deemed to be included in a charge by subsection (5) may, in a schedule to the charge, be expressly excluded or be varied by setting out the term, appropriately varied.

Prescribed terms to be included in charge book

(7) The Director shall include the prescribed standard charge terms in the charge book maintained under subsection 8 (5).

Filing of standard charge terms

8.—(1) A person may file with the Director, in the prescribed manner and form, a set of standard charge terms and, with the consent of the Director, may file a set of standard charge terms in a form other than the prescribed form.

Amendment of set of standard charge terms

(2) A set of standard charge terms filed under subsection (1) may be amended by filing a further set of standard charge terms under subsection (1).

Duties of Director

(3) Where a set of standard charge terms is filed under subsection (1), the Director shall,

(a) promptly assign a filing number to the set and advise the person who filed the set of its filing number; and

(b) ensure that copies of the set, identified by its filing number, are provided to the land registry offices for

the parts of Ontario designated under this Part within thirty days of the day on which the set was filed.

Public inspection

(4) Every set of standard charge terms filed under subsection (1) shall be made available in the prescribed manner and at the prescribed fee for public inspection and copying in the land registry offices for the parts of Ontario designated under this Part on a day not later than thirty days after the day on which the set is filed with the Director.

Annual charge book

(5) The Director shall enter all sets of standard charge terms filed under subsection (1) during each calendar year in a charge book and shall as soon as possible after the end of the calendar year,

(a) provide copies of the charge book to the land registry offices for the parts of Ontario designated under this Part; and

(b) make available copies of the charge book for purchase by the public at the prescribed fee.

Effect of filing: incorporation by reference

9.—(1) A charge shall be deemed to include a set of standard charge terms filed under subsection 8 (1) if the set is referred to in the charge by its filing number.

Amendment of standard charge terms in individual charge

(2) A term deemed to be included in a charge by subsection (1) may, in a schedule to the charge, be expressly excluded or may be varied by setting out the term, appropriately amended.

Only one set to be incorporated by reference

(3) Where a charge refers to more than one set of standard charge terms by their filing numbers, the charge shall be deemed to include only the set that was filed last.

Express term governs

(4) Where there is a conflict between an express term in a charge and a term deemed to be included in the charge by subsection (1), the express term prevails.

When charge may be registered

10.—(1) A charge that refers to a set of standard charge terms filed under subsection 8 (1) by the set's filing number shall not be registered before a copy of the set is available in the land registry office where the charge is to be registered, as described in subsection 8 (4).

Saving

(2) The fact that a charge is registered in a manner that contravenes subsection (1) does not, in itself, invalidate the registered charge.

Disclosure: offence

11. A person named as chargee in a charge containing standard charge terms that have been filed under subsection 8 (1) who takes the charge before providing the chargor or the chargor's solicitor with a copy of the standard charge terms is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Director may require filing

12.—(1) Where the Director is satisfied that a charge presented for registration contains terms that should be filed under subsection 8 (1) because of the frequency of their use in charges in favour of the chargee, the Director may give the chargee notice in the prescribed form and manner that on and after a day specified by the Director, no charge in favour of the chargee that sets the terms out expressly shall be registered without the Director's authorization.

Day to be specified

(2) The day specified by the Director in a notice given under subsection (1) shall be a day at least 120 days after the date of the notice.

No registration where filing required

(3) Where the Director has given a notice under subsection (1), no charge in favour of the chargee that sets the terms out expressly shall be registered without the Director's authorization on or after the day specified by the Director.

Seal not required

13.—(1) Despite any statute or rule of law, a transfer or other document transferring an interest in land, a charge or discharge need not be executed under seal by any person, and such a document that is not executed under seal has the same effect for all purposes as if executed under seal.

Guarantee

(2) Subsection (1) applies to a guarantee in a charge.

Regulations

14. The Lieutenant Governor in Council may make regulations,

(a) designating parts of Ontario for the purposes of this Part;

(b) prescribing forms for transfers, charges, discharges and other documents to be registered under the *Land Titles Act* or the *Registry Act*, or deposited under Part II of the *Registry Act*, and prescribing the manner of their completion and execution by individuals and corporations;

R.S.O. 1980, cc. 230, 445

(c) authorizing the Director to issue instructions for the completion and execution of documents;

(d) authorizing the Director to approve forms prescribed under clause (b), and prohibiting the registration of documents in forms prescribed under clause (b) that are not approved by the Director;

(e) prescribing standard charge terms for the purpose of subsection 7 (5);

(f) prescribing the form and manner in which sets of standard charge terms are to be filed with the Director under subsection 8 (1) and are to be made available for public inspection and copying;

(g) prescribing fees payable under subsections 8 (4) and (5);

(h) prescribing the form and manner in which notice is to be given under section 12;

(i) prescribing the form and manner in which statements in documents are to be made;

(j) prescribing the manner in which a party to a document registered under the *Land Titles Act* or the *Registry Act* may notify the land registrar of changes in the party's address for service. R.S.O. 1980, cc. 230, 445

PART II

AUTOMATED RECORDING AND PROPERTY MAPPING

Automated recording and property mapping in designated areas

15. Where land is designated for the purposes of Part I, the Lieutenant Governor in Council may by regulation designate all or any part of the land for the purpose of implementing a system for automated information recording and retrieval and property mapping.

Temporary fee reduction during training period R.S.O. 1980, cc. 230, 445

16.—(1) The Director may by order fix a lower fee than that prescribed under the *Land Titles Act* or the *Registry Act* for any service that relates to land designated under this Part, and the lower fee shall be in effect for a specified period not exceeding three months from the designation of the land to which the service relates.

R.S.O. 1980, c. 446, does not apply

(2) The *Regulations Act* does not apply to an order made under subsection (1).

PART III

AMENDMENTS TO STATUTE LAW

17.—(1) Section 6 of the *Conveyancing and Law of Property Act*, being chapter 90 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Statement of consideration

6. A statement of consideration money or other consideration in the body of a conveyance is a sufficient discharge to the person paying or delivering the conveyance without any receipt being endorsed on it.

(2) Section 7 of the said Act is repealed and the following substituted therefor:

Statement as evidence for subsequent purchaser

7. A statement of consideration money or other consideration in the body of a conveyance or endorsed thereon is, in favour of a subsequent purchaser not having notice that the money or other consideration was not in fact paid or given wholly or in part, sufficient evidence of the payment or giving of the whole amount thereof.

(3) Section 23 of the said Act is amended by adding thereto the following subsection:

Exception

1984, c. 32

(5) Subsections (1), (2), (3) and (4) do not apply to conveyances of land in the parts of Ontario designated under Part I of the *Land Registration Reform Act, 1984* that are executed on or after the day on which the land is designated under clause 14 (a) of that Act.

18.—(1) Subsection 42 (3) of the *Family Law Reform Act*, being chapter 152 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Proof that property not a matrimonial home

1984, c. 32

(3) For the purpose of subsection (2), an affidavit of the person making the disposition or encumbrance, or, where the property is located in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*, a statement by the person,

(a) verifying that he or she is not, or was not, a spouse at the time of the disposition or encumbrance;

(b) verifying that the property has never been occupied by the person and his or her spouse as their matrimonial home;

(c) where the property is not designated under section 41, verifying that an instrument designating another property as a matrimonial home of the person and his or her spouse is registered under section 41 and not cancelled; or

(d) verifying that the other spouse has released all rights under this Part by a separation agreement,

shall, unless the person to whom the disposition or encumbrance is made had actual notice to the contrary, be deemed to be sufficient proof that the property is not a matrimonial home, but the affidavit or statement shall not be deemed to be sufficient proof that the property is not a matrimonial home where it is made by the attorney of the person making the disposition or encumbrance.

(2) Clause 45 (1) (f) of the said Act is repealed and the following substituted therefor:

(f) where a false affidavit is given or a false statement is made under subsection 42 (3), direct,

(i) the person who swore the false affidavit or made the false statement, or

(ii) any person who knew at the time it was sworn or made that the affidavit or statement was false and who thereafter conveyed the property,

to substitute other real property for the matrimonial home or direct such person to set aside money or security to stand in place thereof subject to such terms and conditions as the court considers appropriate.

19.—(1) Section 1 of the *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

(aa) "facsimile" means an accurate reproduction of a book, document or record and includes a print from microfilm and a printed copy generated by or produced from a computer record;

(ab) "land" means land, tenements, hereditaments and appurtenances and any interest therein;

. . . . .

(ga) "property" means land designated as a property under subsection 141a (2) or (4).

(2) Section 7 of the said Act is repealed and the following substituted therefor:

Fee and receiving record

7. Upon receiving an instrument for registration or deposit, the land registrar shall record it and the fee charged in a manner approved by the Director of Land Registration.

(3) Section 59 of the said Act is amended by adding thereto the following subsection:

Payment re surveys for property mapping

(3a) The Director of Land Registration may direct that all or part of the costs of a survey of land required to facilitate the inclusion of the land in a property map referred to in subsection 141a (3) be paid out of The Land Titles Survey Fund.

(4) Section 60 of the said Act is amended by adding thereto the following subsection:

Reliance on automated index
1984, c. 32

(4a) A person who suffers damage because of an error in recording an instrument affecting land designated under Part II of the *Land Registration Reform Act, 1984* in the parcel register is entitled to compensation from The Land Titles Assurance Fund.

(5) Section 70 of the said Act is repealed and the following substituted therefor:

Description of registered owner

70. Subject to section 67, no person, other than a corporation, may be shown as the registered owner of land or a charge unless the person is described by surname and by the first given name in full, followed by another given name, if any, in full.

(6) Subsection 75 (1) of the said Act is amended by striking out "books" in the fourth line and inserting in lieu thereof "records".

(7) Subsection 75 (2) of the said Act is amended by striking out "book" in the second line and inserting in lieu thereof "record".

(8) Subsection 81 (3) of the said Act is repealed and the following substituted therefor:

When registration complete

(3) Registration of an instrument is complete when the instrument and its entry in the proper register are certified in the prescribed manner by the land registrar, deputy or assis-

tant deputy land registrar, and the time of receipt of the instrument shall be deemed to be the time of its registration.

(9) Section 82 of the said Act is amended by adding thereto the following subsection:

(2) Subsection (1) does not apply to a charge or transfer of registered land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*. Exception 1984, c. 32

(10) The said Act is amended by adding thereto the following section:

83a. The land registrar may, Land registrar may refuse registration or refrain from recording in certain cases

(a) refuse to accept for registration an instrument,

(i) that is wholly or partly illegible or unsuitable for microfilming, or

(ii) that affects land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* and contains or has attached to it material that does not, in the land registrar's opinion, affect or relate to an interest in land; and 1984, c. 32

(b) refrain from recording a part of a registered instrument affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* where the part of the instrument does not, in the land registrar's opinion, affect or relate to an interest in land.

(11) Section 93 of the said Act is amended by adding thereto the following subsection:

(5a) The authorization mentioned in subsection (5) is not required where the instrument is to be registered as a charge against land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*. Exception 1984, c. 32

(12) The said Act is further amended by adding thereto the following section:

97a. Sections 94, 95, 96 and 97 do not apply to a charge of registered land in the parts of Ontario designated under Part I of the *Land Registration Reform Act, 1984* that is executed on or after the day on which the land is designated under clause 14 (a) of that Act. Exception 1984, c. 32

(13) Section 109 of the said Act is amended by adding thereto the following subsection:

Exception

(2) Subsection (1) does not apply to a transfer of registered leasehold land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* that is executed on or after the day on which the land is designated under clause 14 (a) of that Act.

1984, c. 32

(14) The said Act is further amended by adding thereto the following sections:

Application

141a.—(1) This section applies only to land in the parts of Ontario designated under Part II of the *Land Registration Reform Act, 1984*.

1984, c. 32

Properties and property identifiers

(2) The Director of Land Registration shall, in the prescribed manner, divide into blocks and properties any land that is designated under Part II of the *Land Registration Reform Act, 1984* and assign property identifiers to those properties.

Property maps, etc.

(3) The Director shall, in the prescribed manner, prepare property maps showing all properties and prepare such other maps as are prescribed.

Idem

(4) The land registrar shall maintain property maps in the prescribed manner and shall assign property identifiers to properties when and in the manner specified by the Director.

Parcel register

(5) The land registrar shall, in the prescribed manner, create and maintain an index in automated form known as the parcel register and enter every instrument that affects a property in the parcel register under the property identifier assigned to that property.

Other indexes and records

(6) The land registrar shall, in the prescribed manner, maintain such other indexes and records as are prescribed.

Entry of earlier instruments

(7) The Director of Land Registration may direct the land registrar to enter, in the prescribed manner, all instruments that were registered before the day this section comes into force, and that belong to a category or were registered during a period specified by the Director of Land Registration, in the parcel register under the property identifiers for the properties affected by the instruments.

Application

141b.—(1) This section applies only to documents affecting land in the parts of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

1984, c. 32

(2) A document shall not be registered unless it contains, Brief description and property identifier, etc.

(a) a reference to the parcel number, if any, of the land it affects;

(b) a reference to the lot, part lot or other unit on the plan or concession it affects;

(c) where the document deals with part of a property or part of a parcel, a registrable description of the land it affects; and

(d) the property identifier, if any, assigned under subsection 141a (2) or (4) to the property it affects.

(3) Subsection (2) does not apply to an instrument that is, Exceptions

(a) a plan; or

(b) one of a prescribed class of instruments.

(4) Clauses (2) (b) and (c) do not apply to an instrument that is a discharge of charge purporting to discharge a charge completely. Idem

(15) Section 147 of the said Act is amended by adding thereto the following subsection:

(2) Subsection (1) does not apply to land in the parts of Ontario designated under Part II of the *Land Registration Reform Act, 1984*. Exception 1984, c. 32

(16) Section 162 of the said Act is amended by adding thereto the following subsection:

(1a) The Lieutenant Governor in Council may make regulations, Idem

(a) prescribing the manner in which instruments and entries in the register are to be certified at registration;

(b) prescribing the form and manner in which entries in the records of land registry offices are to be made;

(c) prescribing the manner in which fees under this Act are to be paid, authorizing land registrars to require the prepayment of classes of fees by cash deposits and prescribing classes of fees for that purpose;

(d) prescribing classes of users who may pay fees under this Act by means of credit accounts rather than on the basis of prepayment or payment at the time the service is rendered;

(e) requiring land registrars to assign to persons who ask to search the records of the land registry office account numbers and other identification to enable them to do so;

(f) prescribing the manner in which instruments, books, public records and facsimiles of them are to be produced for inspection;

(g) prescribing the manner in which copies of instruments, books and public records are to be produced and certified;

(h) prescribing methods and standards for computer entry, storage and retrieval of information;

(i) prescribing the manner in which land is to be divided into blocks and properties;

(j) prescribing the manner in which property maps and other maps are to be prepared and maintained, and prescribing those other maps;

(k) prescribing the manner in which property identifiers are to be assigned;

(l) prescribing the manner in which the abstract index is to be created and maintained;

(m) prescribing other indexes and records and the manner in which they are to be maintained for the purpose of subsection 141a (6);

(n) prescribing the manner in which instruments are to be entered for the purpose of subsection 141a (7);

(o) prescribing classes of instruments for the purpose of clause 141b (3) (b);

(p) requiring that printed copies of the parcel register relating to land in the parts of Ontario designated under Part II of the *Land Registration Reform Act, 1984* be produced at prescribed times and prescribing the times at which they are to be produced.

1984, c. 32

(17) Subsection 162 (2) of the said Act is repealed and the following substituted therefor:

Application of regulations

(2) The application of any provision of the regulations made under subsection (1) or (1a) may be limited to one or more land titles divisions or one or more part or parts of a land titles division or divisions.

(18) Section 164 of the said Act is amended by adding thereto the following subsections:

Exception
1984, c. 32

(3) Subsection (2) does not apply in the parts of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

Production of instruments, copies, etc.

(4) Where land is in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*, the land registrar shall, upon receipt of the prescribed fee, if any, and a written request where a fee is prescribed,

(a) produce for inspection in the office during office hours,

(i) any instrument relating to the land that is registered in the office, or a facsimile of the instrument, or

(ii) any book or public record of the office relating to the land, or a facsimile of the book or public record;

(b) supply a copy of the whole or a part of,

(i) any instrument relating to the land that is registered in the office, or a facsimile of the instrument, or

(ii) any book or public record of the office relating to the land, or a facsimile of the book or public record; and

(c) certify any copy supplied under clause (b),

in the prescribed manner.

(19) The said Act is further amended by adding thereto the following section:

Computer printout, etc., admissible in evidence

164a.—(1) Where a registered instrument or a written record of a land registry office is recorded electronically or on a magnetic medium, any writing that,

(a) represents the registered instrument or written record;

(b) is generated by or produced from the electronic record or magnetic medium; and

(c) is in a readily understandable form,

is admissible in evidence to the same extent as the original registered instrument or written record.

Idem

(2) Where a record of a land registry office is recorded electronically or on a magnetic medium and there is no original written record that corresponds to the record, any writing that,

(a) represents the record;

(b) is generated by or produced from the electronic record or magnetic medium; and

(c) is in a readily understandable form,

is admissible in evidence to the same extent as the record would be if it were an original written record.

(20) Subsection 165 (1) of the said Act is repealed and the following substituted therefor:

Penalty for altering or removing records

(1) Any person, except the land registrar or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument, or by any means or in any way adds to or takes from the contents of any book, record, plan or instrument, and any person who, without lawful authority, removes or attempts to remove any book, record, plan or instrument from the place where it is kept is guilty of an offence and on conviction is liable to a fine of not more than $5,000 for each book, record, plan or instrument that the person alters, removes or attempts to remove.

(21) Section 166 of the said Act is amended by adding thereto the following subsection:

Exception

(5) Subsections (1), (2), (3) and (4) do not apply to an instrument affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

1984, c. 32

20.—(1) **The *Mortgages Act*, being chapter 296 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:**

8a. Sections 7 and 8 do not apply to a mortgage of land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* that is executed on or after the day on which the land is designated under clause 14 (a) of that Act. Exception 1984, c. 32

(2) The said Act is further amended by adding thereto the following section:

38a. Where a mortgage made before the 1st day of January, 1965, contains a power of sale in accordance with *The Short Forms of Mortgages Act*, being chapter 374 of the Revised Statutes of Ontario, 1960, a sale made under such power of sale, so long as it complies with this Part, is as effectual as if *The Short Forms of Mortgages Amendment Act, 1964* had not been passed. Transitional provision 1964, c. 110

21. Section 49 of the *Planning Act, 1983*, being chapter 1, is amended by adding thereto the following subsections:

(21a) Where a deed or transfer, Exception re prescribed statements

(a) contains a statement by the grantor, verifying that to the best of his or her knowledge and belief the deed or transfer does not contravene this section;

(b) contains a statement by the grantor's solicitor, verifying that,

(i) he or she has explained the effect of this section to the grantor,

(ii) he or she has made inquiries of the grantor to determine that the deed or transfer does not contravene this section,

(iii) based on the information supplied by the grantor, to the best of the solicitor's knowledge and belief, the deed or transfer does not contravene this section, and

(iv) he or she is an Ontario solicitor in good standing; and

(c) contains a statement by the grantee's solicitor, verifying that,

(i) he or she has investigated the title to the land and, where relevant, to abutting land,

(ii) he or she is satisfied that the record of title to the land and, where relevant, to abutting land, reveals no existing contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, that has the effect of preventing the conveyance of any interest in the land,

(iii) to the best of his or her knowledge and belief, the deed or transfer does not contravene this section, and

(iv) he or she acts independently of the grantor's solicitor and is an Ontario solicitor in good standing; and

R.S.O. 1980, cc. 230, 445

(d) is registered under the *Land Titles Act* or the *Registry Act*,

any contravention of this section or a predecessor thereof or of a by-law passed under a predecessor of this section or of an order made under clause 27 (1) (b), as it existed on the 25th day of June, 1970, of *The Planning Act*, being chapter 296 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, does not and shall be deemed never to have had the effect of preventing the conveyance of any interest in the land, provided this subsection does not affect the rights acquired by any person from a judgment or order of any court given or made on or before the day the deed or transfer is registered.

Search period re *Planning Act, 1983*

(21b) For the purposes of the statement referred to in subclause (21a) (c) (ii), a solicitor is not required to investigate the registered title to the land except with respect to the time since the registration of the most recent deed or transfer affecting the same land and containing the statements referred to in clauses (21a) (a), (b) and (c).

Exempting orders

(21c) The Minister may by order designate any part of Ontario as land to which subsection (21a) shall not apply after the day a certified copy or duplicate of the order is registered

in the proper land registry office in a manner approved by the Director of Land Registration appointed under the *Registry Act*. R.S.O. 1980, c. 445

(21d) Every person who knowingly makes a false statement under subsection (21a) is guilty of an offence and on conviction is liable to a fine not exceeding the aggregate of the value of, Offence

(a) the land in respect of which the statement is made; and

(b) the relevant abutting land,

determined as of the day of registration of the deed or transfer containing the false statement.

22.—(1) Section 1 of the *Registry Act*, being chapter 445 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

(ea) "facsimile" means an accurate reproduction of a book, instrument, document or record and includes a print from microfilm and a printed copy generated by or produced from a computer record;

. . . . .

(oa) "property" means land designated as a property under subsection 20a (2) or (4).

(2) Section 16 of the said Act is amended by adding thereto the following subsections:

(3) Subsections (1) and (2) do not apply in the parts of Ontario that are designated under Part I of the *Land Registration Reform Act, 1984*. Exception 1984, c. 32

(4) Where land is in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*, the land registrar shall, upon receipt of the prescribed fee, if any, and a written request where a fee is prescribed, Production of instruments, copies, etc.

(a) produce for inspection in the office during office hours,

(i) any instrument or document relating to the land that is registered or deposited in the office, or a facsimile of the instrument or document, or

(ii) any book or public record of the office relating to the land, or a facsimile of the book or public record;

(b) supply a copy of the whole or a part of,

(i) any instrument or document relating to the land that is registered or deposited in the office, or a facsimile of the instrument or document, or

(ii) any book or public record of the office relating to the land, or a facsimile of the book or public record; and

(c) certify any copy supplied under clause (b),

in the prescribed manner.

(3) The said Act is amended by adding thereto the following section:

Computer printout, etc., admissible in evidence

16a.—(1) Where a registered instrument, a document deposited under Part II or a written record of a land registry office is recorded electronically or on a magnetic medium, any writing that,

(a) represents the instrument, document or record;

(b) is generated by or produced from the electronic record or magnetic medium; and

(c) is in a readily understandable form,

is admissible in evidence to the same extent as the original instrument, document or record.

Idem

(2) Where a record of a land registry office is recorded electronically or on a magnetic medium and there is no original written record that corresponds to the record, any writing that,

(a) represents the record;

(b) is generated by or produced from the electronic record or magnetic medium; and

(c) is in a readily understandable form,

is admissible in evidence to the same extent as the record would be if it were an original written record.

(4) Section 17 of the said Act is amended by adding thereto the following subsection:

(1a) Subsection (1) does not apply to an instrument or memorial affecting or relating to land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*. Exception 1984, c. 32

(5) Clause 19 (2) (a) of the said Act is amended by striking out "manually or mechanically" in the second line.

(6) Subsection 19 (4) of the said Act is amended by inserting after "book" in the fifth line "or a facsimile thereof".

(7) Subsection 19 (6) of the said Act is repealed and the following substituted therefor:

(6) Where an abstract index is copied, every instrument, except an instrument to which subsection 62 (2), 51 (10) or 51 (11) applies, shall be copied, and the land registrar shall carefully preserve the original abstract index or a facsimile thereof and produce it upon demand. Instruments to be included in copy of abstract index

(8) Section 20 of the said Act is amended by adding thereto the following subsection:

(4) Subsections (1), (2) and (3) do not apply to land in the parts of Ontario designated under Part II of the *Land Registration Reform Act, 1984*. Exception 1984, c. 32

(9) The said Act is further amended by adding thereto the following section:

20a.—(1) This section applies only to land in the parts of Ontario designated under Part II of the *Land Registration Reform Act, 1984*. Application 1984, c. 32

(2) The Director shall, in the prescribed manner, divide into blocks and properties any land that is designated under Part II of the *Land Registration Reform Act, 1984* and assign property identifiers to those properties. Properties and property identifiers

(3) The Director shall, in the prescribed manner, prepare property maps showing all properties and prepare such other maps as are prescribed. Property maps, etc.

Idem

(4) The land registrar shall maintain property maps in the prescribed manner and shall assign property identifiers to properties when and in the manner specified by the Director.

Abstract index

(5) The land registrar shall, in the prescribed manner, create and maintain an index in automated form known as the abstract index and enter every instrument that affects a property in the abstract index under the property identifier assigned to that property.

Other indexes and records

(6) The land registrar shall, in the prescribed manner, maintain such other indexes and records as are prescribed.

Entry of earlier instruments

(7) The Director may direct the land registrar to enter, in the prescribed manner, all instruments that were registered before the day this section comes into force, and that belong to a category or were registered during a period specified by the Director, in the abstract index under the property identifiers for the properties affected by the instruments.

(10) Subsection 21 (1) of the said Act is repealed and the following substituted therefor:

Instruments that may be registered

(1) Except as otherwise provided in and subject to,

(a) this Act and the regulations; and

(b) in respect of instruments affecting land in the parts of Ontario designated under Part I of the *Land Registration Reform Act, 1984*, Part I of that Act and the regulations made thereunder,

1984, c. 32

any instrument within the meaning of clause 1 (f) and any other instrument specifically permitted to be registered under Part I of this Act may be registered.

(11) The said Act is further amended by adding thereto the following section:

Land registrar may refuse registration or refrain from recording in certain cases

21a. The land registrar may,

(a) refuse to accept for registration an instrument,

(i) that is wholly or partly illegible or unsuitable for microfilming, or

(ii) that affects land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* and contains or has attached to it material that does not, in the

1984, c. 32

land registrar's opinion, affect or relate to an interest in land; and

(b) refrain from recording a part of a registered instrument affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* where the part of the instrument does not, in the land registrar's opinion, affect or relate to an interest in land.

(12) Section 22 of the said Act is amended by adding thereto the following subsection:

Exception

(3) Subsections (1) and (2) do not apply to an instrument affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*. 1984, c. 32

(13) The said Act is further amended by adding thereto the following section:

Application

22a.—(1) This section applies only to instruments affecting land in the parts of Ontario designated under Part I of the *Land Registration Reform Act, 1984*. 1984, c. 32

Brief description and property identifier, etc.

(2) An instrument shall not be registered unless it contains,

(a) a reference to the lot, part lot or other unit on the plan or concession it affects;

(b) a registrable description of the land it affects, unless a registrable description of the same land is already recorded in the abstract index; and

(c) the property identifier, if any, assigned under subsection 20a (2) or (4) to the property it affects.

Exceptions

(3) Subsection (2) does not apply to an instrument that is,

(a) a plan;

(b) identified by the letters "G.R." and to be registered under subsection 18 (6);

(c) a by-law that does not directly affect title to land;

(d) presented for registration together with a declaration in the prescribed form made by a party to the instrument or by the party's solicitor, attorney under registered power of attorney, or heirs, executors or administrators, or, where the party is a cor-

poration, by an officer thereof, stating that the instrument affects land within the registry division, and containing the information required by subsection (2);

(e) a judgment or order of the court or of a judge, or a certificate or certified or notarial copy of such judgment or order, presented for registration together with a declaration in the prescribed form, made by one of the parties to the action or by the party's solicitor, stating that the instrument affects land within the registry division, and containing the information required by subsection (2); or

(f) one of a prescribed class of instruments.

Further recording

(4) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in clauses (3) (d) and (e).

(14) The said Act is further amended by adding thereto the following section:

Exception

1984, c. 32

25a. Sections 25 and 26 do not apply to an instrument that affects land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

(15) Section 32 of the said Act is amended by adding thereto the following subsection:

Exception

1984, c. 32

(3) Subsections (1) and (2) do not apply to an instrument affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

(16) The said Act is further amended by adding thereto the following section:

Application

1984, c. 32

32a.—(1) This section applies only to instruments affecting land in the parts of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

Seal of court with officer's signature suffices for registration

(2) The seal of a court of record affixed to an instrument is sufficient evidence, for the purpose of registration, of the due execution of the instrument by the judge or the officer of the court signing it.

Execution by corporation

(3) Where an instrument is executed by a corporation,

(a) the corporation's seal affixed to the instrument, with the signature of an authorized person; or

(b) the signature of an authorized person, with the person's statement that he or she has authority to bind the corporation,

are sufficient evidence, for the purpose of registration, of the due execution of the instrument by the corporation.

(17) Section 37 of the said Act is amended by adding thereto the following subsection:

Exception

(3) Subsections (1) and (2) do not apply to an instrument affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*. 1984, c. 32

(18) Section 41 of the said Act is amended by adding thereto the following subsection:

Where subss. (1-4, 6, 7, 10) do not apply 1984, c. 32

(12) Subsections (1), (2), (3), (4), (6), (7) and (10) do not apply to an instrument affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

(19) Section 42 of the said Act is repealed.

(20) Subsection 43 (2) of the said Act is repealed and the following substituted therefor:

Description of grantee

(2) An instrument shall not be registered unless every grantee who is not a corporation is described by surname and by the first given name in full, followed by another given name, if any, in full.

Saving

(2a) Failure to comply with subsection (2) does not, in itself, invalidate a registered instrument.

(21) Subsection 56 (3) of the said Act is repealed and the following substituted therefor:

Contents

(3) The certificate shall mention the date of registration and the registration number of,

(a) each of the instruments or documents through which the person executing the certificate claims interest in and title to the mortgage money; and

(b) every other registered instrument relating exclusively to the mortgage.

(22) Section 58 of the said Act is amended by adding thereto the following subsections:

Exception

(2) Subsection (1) does not apply to a certificate of discharge affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

1984, c. 32

Effect of registration of discharge of mortgage predating

(3) Where a mortgage affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* and executed before the day the land is designated under clause 14 (a) of that Act is discharged, a certificate of discharge under this Act and the regulations that complies with Part I of that Act and the regulations made thereunder is, when registered, as valid and effectual as a conveyance to the mortgagor, his heirs or assigns of his original estate in the mortgaged land or in the part thereof described in the certificate, as the case may be.

(23) Section 60 of the said Act is amended by adding thereto the following subsections:

Exception

(4a) Subsection (4) does not apply to a certificate of discharge affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

1984, c. 32

Effect of certificate

(4b) The certificate when registered, if it is of payment in full of a mortgage affecting land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* and executed before the day on which the land is designated under clause 14 (a) of that Act, is as valid and effectual in law as a release of the mortgage and as a conveyance to the mortgagor, his heirs, executors, administrators, or assigns, or any person lawfully claiming by, through or under him or them, of the original estate of the mortgagor as if executed by the execution debtor.

(24) Subsection 71 (2) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 17, section 3, is repealed and the following substituted therefor:

Method

(2) The land registrar shall, immediately after becoming aware of any omission or error in recording or deleting,

(a) notify all persons who may be adversely affected by the necessary entries, alterations or corrections; and

(b) make, date and certify the necessary entries, alterations or corrections in the prescribed manner.

(25) Section 76 of the said Act is amended by striking out "book" in the first line.

(26) Section 77 of the said Act is repealed and the following substituted therefor:

Land registrar's compiled plan

77.—(1) Where and as the examiner of surveys directs, the land registrar, taking account of registered instruments and deposited plans, shall prepare and register a plan of an area designated by the examiner of surveys.

Idem

(2) A plan prepared and registered under subsection (1) shall be known as a Land Registrar's Compiled Plan.

New abstract index

(3) Where and as the Director directs, the land registrar, taking account of registered instruments and deposited plans, shall,

(a) divide an area designated by the Director into parcels for abstract purposes;

(b) create a new heading in the abstract index for each parcel; and

(c) record previously registered instruments and deposited documents affecting or relating to the designated area under the new headings.

Easements

(4) A parcel may include a reference to any easement in respect of which the land is the dominant or servient tenement.

(27) Clause 82 (1) (d) of the said Act is amended by adding at the end thereof "but shall not assign a property identifier to the lands or alter any property identifier that has been assigned under subsection 20a (2) or (4)".

(28) Section 90 of the said Act is repealed and the following substituted therefor:

Record of fees, etc.

90. Upon receiving an instrument for registration or a document or plan for deposit, the land registrar shall record it and the fee charged in a manner approved by the Director.

(29) Clauses 91 (b), (e) and (g) of the said Act are repealed and the following substituted therefor:

records

(b) see that entries and registrations are made and certified in a proper manner, that the indexes and rec-

ords are properly kept and that any original documents are properly stored;

. . . . .

instruction of land registrar

(g) direct the land registrar how and in what manner to do any particular act or amend or correct whatever the Director may find amiss.

(30) Subsection 95 (1) of the said Act is repealed and the following substituted therefor:

Penalty for altering or removing records

(1) Any person, except the land registrar or other officer when entitled by law so to do, who alters any book, record, plan, registered instrument or deposited document or by any means or in any way adds to or takes from the contents of any book, record, plan, instrument or document, and any person who, without lawful authority, removes or attempts to remove any book, record, plan, instrument or document from the place where it is kept, is guilty of an offence and on conviction is liable to a fine of not more than $5,000 for each book, record, plan, instrument or document that the person alters, removes or attempts to remove.

(31) Subsection 96 (1) of the said Act is amended by adding thereto the following clauses:

(ka) prescribing methods and standards for computer entry, storage and retrieval of information;

. . . . .

(pa) prescribing the manner in which entries are to be certified;

(pb) prescribing the form and manner in which entries in the records of land registry offices are to be made;

(pc) prescribing the manner in which fees under this Act are to be paid, authorizing land registrars to require the prepayment of classes of fees by cash deposits and prescribing classes of fees for that purpose;

(pd) prescribing classes of users who may pay fees under this Act by means of credit accounts rather than on the basis of prepayment or payment at the time the service is rendered;

(pe) requiring land registrars to assign to persons who ask to search the records of the land registry office

account numbers and other identification to enable them to do so;

(pf) prescribing the manner in which instruments, documents, books, public records and facsimiles of them are to be produced for inspection;

(pg) prescribing the manner in which copies of instruments, documents, books and public records are to be produced and certified;

(ph) prescribing the manner in which land is to be divided into blocks and properties;

(pi) prescribing the manner in which property maps and other maps are to be prepared and maintained, and prescribing those other maps;

(pj) prescribing the manner in which property identifiers are to be assigned;

(pk) prescribing the manner in which the abstract index is to be created and maintained;

(pl) prescribing other indexes and records and the manner in which they are to be maintained for the purpose of subsection 20a (6);

(pm) prescribing the manner in which instruments are to be entered for the purpose of subsection 20a (7);

(pn) prescribing classes of instruments for the purpose of clause 22a (4) (f);

(po) requiring that printed copies of the abstract index relating to land in the parts of Ontario designated under Part II of the *Land Registration Reform Act, 1984* be produced at prescribed times and prescribing the times at which they are to be produced. 1984, c. 32

(32) Subsection 96 (2) of the said Act is repealed and the following substituted therefor:

(2) The application of any provision of the regulations made under subsection (1) may be limited to one or more registry divisions or one or more part or parts of a registry division or divisions. Application of regulations

(33) Section 100 of the said Act is amended by adding thereto the following subsections:

Exception
1984, c. 32

(2) Subsection (1) does not apply to a deposit relating to land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*.

Requisition to be filed

(3) Upon every deposit relating to land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984*, the person making the deposit shall deliver to the land registrar a requisition in the prescribed form containing a description of the land to which the deposit relates that complies with subsection 22a (2).

(34) Subsections 101 (1) and (3) of the said Act are repealed and the following substituted therefor:

Numbering, etc.

(1) Upon receiving a requisition under subsection 100 (1) and the documents mentioned in it, the land registrar shall cause the word "deposited" with the date and deposit number to be endorsed on the requisition.

Certificate of deposit

(1a) Upon receiving a requisition under subsection 100 (3), the land registrar shall cause a certificate of deposit in the prescribed form to be endorsed on the requisition and every duplicate of it.

. . . . .

Entry in abstract index

(3) The land registrar shall enter in the abstract index against each lot, parcel or property mentioned in the requisition the words, "See Deposit No.....", and, where the requisition refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot.

(35) Section 102 of the said Act is amended by adding thereto the following subsection:

Land registrar may refuse registration or refrain from recording in certain cases

(1a) The land registrar may,

(a) refuse to accept for deposit a document,

(i) that is wholly or partly illegible or unsuitable for microfilming, or

1984, c. 32

(ii) that relates to land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* and contains or has attached to it material that does not, in the land registrar's opinion, relate to an interest in land; and

(b) refrain from recording a part of a deposited document relating to land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* where the part of the document does not, in the land registrar's opinion, relate to an interest in land.

(36) Section 108 of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 17, section 5, is amended by adding thereto the following subsection:

Reliance on automated index 1984, c. 32

(3a) A person who suffers damage because of an error in recording an instrument affecting land designated under Part II of the *Land Registration Reform Act, 1984* in the abstract index is entitled to compensation from The Land Titles Assurance Fund, and clauses (2) (a) and (b) do not apply to the person's right to compensation.

23. The *Short Forms of Conveyances Act*, being chapter 472 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Where ss. 1-4 do not apply 1984, c. 32

5. Sections 1, 2, 3 and 4 do not apply to a deed of land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* that is executed on or after the day the land is designated under clause 14 (a) of that Act.

24. Section 6 of the *Short Forms of Mortgages Act*, being chapter 474 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Where ss. 1-5 do not apply 1984, c. 32

6. Sections 1, 2, 3, 4 and 5 do not apply to a mortgage of land in a part of Ontario designated under Part I of the *Land Registration Reform Act, 1984* that is executed on or after the day the land is designated under clause 14 (a) of that Act.

PART IV

GENERAL

Commencement

25.—(1) This Act, except subsection 22 (26), comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Subsection 22 (26) shall be deemed to have come into force on the 1st day of December, 1983.

Short title

26. The short title of this Act is the *Land Registration Reform Act, 1984*.

CHAPTER 33

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

Assented to June 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Loans up to $2,600,000,000

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by the *Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate $2,600,000,000.

R.S.O. 1980, c. 161

Idem

(2) The sum of money authorized to be raised by subsection (1) for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of the *Teachers' Superannuation Act, 1983* and to the Ontario Municipal Employees Retirement Fund under authority of the *Ontario Municipal Employees Retirement System Act*, but shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

1983, c. 84

R.S.O. 1980, c. 348

Limitation

2. No money shall be raised by way of loan under subsection 1 (1) except to the extent authorized by order of the Lieutenant Governor in Council made prior to the 30th day of September, 1985.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Ontario Loan Act, 1984*.

CHAPTER 34

An Act to amend the Labour Relations Act

Assented to June 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 44 (11) of the *Labour Relations Act*, being chapter 228 of the Revised Statutes of Ontario, 1980, is amended by striking out "after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later" in the fourth, fifth, sixth and seventh lines.

2. Section 92 of the said Act is repealed and the following substituted therefor:

Declaration and direction by Board re unlawful strike

92. Where, on the complaint of a trade union, council of trade unions, employer or employers' organization, the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful strike or threatened an unlawful strike or that employees engaged in or threatened to engage in an unlawful strike or any person has done or is threatening to do an act that the person knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will engage in an unlawful strike, the Board may so declare and it may direct what action, if any, a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

3.—(1) Subsection 135 (1) of the said Act is repealed and the following substituted therefor:

Direction by Board re unlawful strike

(1) Where, on the complaint of an interested person, trade union, council of trade unions or employers' organization, the Board is satisfied that a trade union or council of trade unions called or authorized or threatened to call or authorize an

unlawful strike or that an officer, official or agent of a trade union or council of trade unions counselled or procured or supported or encouraged an unlawful strike or threatened an unlawful strike, or that employees engaged in or threatened to engage in an unlawful strike or any person has done or is threatening to do any act that the person knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will engage in an unlawful strike, it may direct what action, if any, a person, employee, employer, employers' organization, trade union or council of trade unions and their officers, officials or agents shall do or refrain from doing with respect to the unlawful strike or the threat of an unlawful strike.

(2) Section 135 of the said Act is amended by adding thereto the following subsection:

Direction by Board re unlawful agreements

(2a) Where, on the complaint of an interested person, trade union, council of trade unions, employers' organization, employee bargaining agency or employer bargaining agency, the Board is satisfied that a person, employee, trade union, council of trade unions, affiliated bargaining agent, employee bargaining agency, employer, employers' organization, group of employers' organizations or employer bargaining agency, bargained for, attempted to bargain for, or concluded any collective agreement or other arrangement affecting employees represented by affiliated bargaining agents other than a provincial agreement as contemplated by subsection 146 (1), it may direct what action, if any, a person, employee, trade union, council of trade unions, affiliated bargaining agent, employee bargaining agency, employer, employers' organization, group of employers' organizations, or employer bargaining agency, shall do or refrain from doing with respect to the bargaining for, the attempting to bargain for, or the concluding of a collective agreement or other arrangement other than a provincial agreement as contemplated by subsection 146 (1).

4. Subsection 137 (1) of the said Act is amended by inserting after "sections" in the first line "135 and".

5. The said Act is amended by adding thereto the following section:

Who may vote, employees

149a.—(1) Where an employee bargaining agency or an affiliated bargaining agent conducts a strike vote relating to a provincial bargaining unit or a vote to ratify a proposed provincial agreement, the only persons entitled to cast ballots in the vote shall be,

(a) employees in the provincial bargaining unit on the date the vote is conducted; and

(b) persons who are members of the affiliated bargaining agent or employee bargaining agency and who are not employed in any employment,

(i) on the day the vote is conducted, if the vote is conducted at a time when there is no strike or lock-out relating to the provincial bargaining unit, or

(ii) on the day before the commencement of the strike or lock-out, if the vote is conducted during a strike or lock-out relating to the provincial bargaining unit.

Idem, employers

(2) Where an employer bargaining agency or employers' organization conducts a lock-out vote relating to a provincial bargaining unit or a vote to ratify a proposed provincial agreement, the only employers entitled to cast ballots in the vote shall be employers represented by the employer bargaining agency or employers' organization that employed,

(a) on the day the vote is conducted, if the vote is conducted at a time when there is no strike or lock-out relating to the provincial bargaining unit; or

(b) on the day before the commencement of the strike or lock-out, if the vote is conducted during a strike or lock-out relating to the provincial bargaining unit,

employees who are represented by the employee bargaining agency or an affiliated bargaining agent that would be affected by the lock-out or would be bound by the provincial agreement.

Certification of compliance

(3) Within five days after a vote is completed, the employee bargaining agency, affiliated bargaining agent, employers' organization or employer bargaining agency conducting the vote, as the case may be, shall file with the Minister a declaration in the prescribed form certifying the result of the vote and that it took reasonable steps to secure compliance with subsection (1) or (2), as the case may be.

Complaints

(4) Where a complaint is made to the Minister that subsection (1) or (2) has been contravened and that the result of a vote has been affected materially thereby, the Minister may, in the Minister's discretion, refer the matter to the Board.

Idem

(5) No complaint alleging a contravention of this section shall be made except as may be referred to the Board under subsection (4).

Idem

(6) No complaint shall be considered by the Minister unless it is received within ten days after the vote is completed.

Declaration and direction by Board

(7) Where, upon a matter being referred to the Board, the Board is satisfied that subsection (1) or (2) has been contravened and that such contravention has affected materially the results of a vote, the Board may so declare and it may direct what action, if any, a person, employer, employers' organization, affiliated bargaining agent, employee bargaining agency or employer bargaining agency shall do or refrain from doing with respect to the vote and the provincial agreement or any related matter and such declaration or direction shall have effect from and after the day the declaration or direction is made.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *Labour Relations Amendment Act, 1984*.

CHAPTER 35

An Act to amend the Executive Council Act

Assented to June 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 3 (1), (2), (3) and (4) of the *Executive Council Act*, being chapter 147 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1983, chapter 49, section 2, are repealed and the following substituted therefor:

Salaries

(1) The annual salary of every minister with portfolio is $25,504.

Additional salary for Premier

(2) The Premier and President of the Council shall receive, in addition, $10,837 per annum.

Salary of minister without portfolio

(3) The annual salary of every minister without portfolio is $12,806.

Salary of Parliamentary Assistant

(4) The annual salary of every Parliamentary Assistant is $7,880.

Commencement

2. This Act shall be deemed to have come into force on the 1st day of April, 1984.

Short title

3. The short title of this Act is the *Executive Council Amendment Act, 1984*.

CHAPTER 36

An Act to amend the Legislative Assembly Act

Assented to June 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 60 (1) and (2) of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1983, chapter 50, section 1, are repealed and the following substituted therefor:

Members' indemnities

(1) An indemnity at the rate of $34,808 per annum shall be paid to every member of the Assembly.

Members' allowances,

(2) An allowance for expenses at the rate of $11,686 shall be paid to every member of the Assembly.

2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 50, section 2, is repealed and the following substituted therefor:

Leaders' allowances

61. In addition to his indemnity and allowance for expenses as a member, there shall be paid a Leader's allowance for expenses,

(a) to the Premier, at the rate of $6,576 per annum;

(b) to the Leader of the Opposition, at the rate of $4,384 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of $2,192 per annum.

3. Subsection 62 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 50, section 3, is repealed and the following substituted therefor:

Indemnity of Speaker, Leader of Opposition and leader of a minority party

(1) In addition to his indemnity as a member, there shall be paid,

(a) to the Speaker an indemnity at the rate of $18,826 per annum;

(b) to the Leader of the Opposition an indemnity at the rate of $25,504 per annum; and

(c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, an indemnity at the rate of $12,806.

4. Subsection 64 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 50, section 4, is repealed and the following substituted therefor:

Chairman and Deputy Chairman of Whole House and chairmen of standing committees, indemnity

(1) In addition to his indemnity as a member, an indemnity shall be paid,

(a) to the person who is Deputy Speaker and Chairman of the Committees of the Whole House at the rate of $7,880 per annum;

(b) to the Deputy Chairman of the Committees of the Whole House at the rate of $5,473 per annum; and

(c) to the chairman of each standing committee at the rate of $4,268 per annum.

5. Subsection 65 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 50, section 5, is repealed and the following substituted therefor:

Whips, indemnities

(1) In addition to his indemnity as a member, an indemnity shall be paid,

(a) to the Chief Government Whip, at the rate of $9,741 per annum;

(b) to the Deputy Government Whip, at the rate of $6,676 per annum;

(c) to each of not more than three Government Whips, at the rate of $4,815 per annum;

(d) to the Chief Opposition Whip, at the rate of $6,676 per annum;

(e) to each of not more than two Opposition Whips, at the rate of $4,815 per annum; and

(f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,

(i) to the Chief Party Whip of the party, at the rate of $5,473 per annum, and

(ii) to the Party Whip of the party, at the rate of $4,378 per annum.

6. Subsection 67 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 29, section 6 and 1983, chapter 50, section 7, is further amended by striking out the first, second, third and fourth lines in the amendment of 1981 and inserting in lieu thereof the following:

(1) There shall be paid to each member of a committee of the Assembly other than the chairman thereof an allowance for expenses of $63 and to the chairman thereof an allowance for expenses of $73, and,

. . . . .

7. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 50, section 8, is repealed and the following substituted therefor:

House Leaders' indemnities

69. In addition to his indemnity as a member, an indemnity shall be paid,

(a) to the Opposition House Leader, at the rate of $9,741 per annum;

(b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of $7,333 per annum.

Commencement

8. This Act shall be deemed to have come into force on the 1st day of April, 1984.

Short title

9. The short title of this Act is the *Legislative Assembly Amendment Act, 1984*.

CHAPTER 37

An Act to amend the Financial Administration Act

Assented to June 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 3 (1) (b) of the *Financial Administration Act*, being chapter 161 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(b) securities issued or guaranteed by the United States of America.

(2) Clause 3 (1) (d) of the said Act is amended by inserting after "issued" in the second line "guaranteed".

2. Subsection 5 (1) of the said Act is repealed and the following substituted therefor:

Settlement of or determination of uncollectability of debts, etc.

(1) Where a person has an obligation or debt due to the Crown or the Crown has a claim against a person, the Treasurer may, subject to any other Act affecting such obligation, debt or claim,

(a) negotiate and accept a settlement in payment and satisfaction of such obligation, debt or claim;

(b) determine that any such obligation, debt or claim is uncollectable; or

(c) determine that financial hardship, economic considerations or other circumstances do not warrant the collection or enforcement of any such obligation, debt or claim.

3. The said Act is amended by adding thereto the following section:

Unpaid debts to Crown

9a.—(1) Where money that is owing by any person to the Crown or a ministry is not paid at the time for payment provided for by law or by the agreement, undertaking or arrangement under which the obligation to pay arose, the Crown or ministry to whom such payment is owed may require the payment of interest or penalty on any such unpaid amount in accordance with this section, and such interest or penalty so required to be paid is a debt due to the Crown recoverable by action or by any other remedy or procedure available by law to the Crown for the collection of debts owed to the Crown.

Exception

(2) This section does not apply to a default in payment under a statute or regulation that expressly provides for interest or penalty on such default, and does not apply to any agreement, undertaking or arrangement that expressly provides for interest or penalty payable on overdue payments, but the fact that a statute makes a default in the payment of moneys owing under it to the Crown or a ministry an offence does not prevent the imposition of interest or a penalty under this section in respect of moneys owing under that statute.

Statement of policy

(3) The Treasurer may issue general instructions establishing a policy to govern when, at what rate, in what amount, and in what circumstances the payment of interest or penalty may be required under subsection (1).

Amount of interest or penalty

(4) The Lieutenant Governor in Council may by order fix a maximum rate of interest or penalty for the purpose of this section either by specifying the rate or, in lieu of a specified rate, by specifying a formula or basis for determining from time to time the rate of interest or penalty payable under this section, and may establish the method and conditions for calculating and charging any such interest or penalty, and may provide for different penalties or rates of interest to be applicable to different classes of payment or to different amounts of payment in default.

Reduction

(5) The Treasurer may, in his discretion, authorize the forgiveness or noncollection of interest or penalty payable under this section, and may authorize the charging of a lower rate of interest or amount of penalty than the maximum under this section where he considers that financial hardship, economic considerations or other circumstances warrant such authorization.

Application

(6) This section applies to the payment of interest or penalty on any amount owing to the Crown or a ministry on or after the 1st day of April, 1984 whether the obligation to pay such amount arose before or after that date.

4.—(1) Subsections 10 (1) and (2) of the said Act are repealed and the following substituted therefor:

Form of payments out of Fund

(1) Every payment out of the Consolidated Revenue Fund shall be made by cheque or written authorization which cheque or authorization shall be signed by the Treasurer and by the Deputy Treasurer or such other officer of the Ministry of Treasury and Economics who is for the time being authorized by the Treasurer to sign cheques or authorizations.

Signature

(2) The Treasurer may authorize the use on cheques or written authorizations of facsimile signatures to be affixed thereto by rubber stamp or by printing, lithographing, engraving or by other mechanical means.

(2) The said section 10 is amended by adding thereto the following subsection:

Fees, etc., charge on Con. Rev. Fund

(4) With the approval of the Treasurer, any fees, commissions or expenses incurred in respect of deposits to, transfers within, or payments from the Consolidated Revenue Fund, or in respect of services furnished to the Crown in the operation of any bank account established under section 2 are a charge upon and payable out of the Consolidated Revenue Fund.

5. Section 12 of the said Act is amended by inserting after "by" in the third line "the Crown or".

6. Section 14 of the said Act is amended by striking out "or from a federal appropriation" in the fifth line and inserting in lieu thereof "or from the sale to the public of goods purchased with such interim payment".

7. Section 18 of the said Act is repealed and the following substituted therefor:

Money raised, a charge on Con. Rev. Fund

18. All money raised by way of loan and the interest thereon and the principal amount of and interest and premiums on all securities issued are a charge on and are payable out of the Consolidated Revenue Fund.

8. Paragraph 2 of section 19 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 66, section 1, Schedule, is repealed and the following substituted therefor:

2. By temporary loan or loans, and in any such case, unless the Lieutenant Governor in Council otherwise directs, the sums authorized to be raised by way of temporary loan, or any part thereof, may be raised by way of cheques or written authorizations

creating overdrafts and having such signatures affixed thereto as provided by section 10 as would make such cheques or authorizations, if not creating overdrafts, binding on Ontario, and all moneys paid in honouring any such cheque or in acting upon any such authorization by any bank upon which such cheque is drawn or to which such authorization extends shall conclusively be deemed to have been raised by the Lieutenant Governor in Council in pursuance of the authorizing Act.

9. **Subsection 22 (2) of the said Act is amended by inserting after "cheques" in the first line "written authorizations".**

10.—**(1) Subsection 23 (1) of the said Act is repealed and the following substituted therefor:**

Contracts and agreements for the raising of loans

(1) The Lieutenant Governor in Council may authorize the Treasurer or any officer of the Ministry of Treasury and Economics or of the Ministry of the Attorney General to enter into, or execute, on behalf of Ontario, such contracts, agreements and documents relating to the raising of loans or the issue and sale of securities as the Lieutenant Governor in Council approves.

(2) Subsection 23 (3) of the said Act is amended by inserting after "Economics" in the fifth line "or of the Ministry of the Attorney General".

Commencement

11. **This Act comes into force on the day it receives Royal Assent.**

Short title

12. **The short title of this Act is the *Financial Administration Amendment Act, 1984*.**

CHAPTER 38

An Act to amend the Workers' Compensation Act

Assented to June 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses 36 (1) (a), (c), (d), (e) and (f) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1983, chapter 45, section 1, are repealed and the following substituted therefor:

(a) the necessary expenses of the burial or cremation of the worker, not exceeding $1,500;

. . . . .

(c) where the widow or widower is the sole dependant, a monthly payment of $593, effective the 1st day of July, 1984;

(d) where the dependants are a widow or widower and one or more children, a monthly payment of $593 with an additional monthly payment of $165 to be increased upon the death of the widow or widower to $185 for each child under the age of sixteen years, effective the 1st day of July, 1984;

(e) where the dependants are children, for each child under the age of sixteen years, a monthly payment of $185, effective the 1st day of July, 1984;

(f) where there are dependants other than those mentioned in clauses (c), (d) and (e), and there are no dependants who are persons referred to in the said clauses, a sum reasonable and proportionate to the pecuniary loss to such first-mentioned dependants occasioned by the death, to be determined by the Board, but not exceeding, in the whole, $593 a month effective the 1st day of July, 1984.

(2) Clause 36 (1) (a) of the said Act, as re-enacted by subsection (1) of this section, applies only where the death occurs on or after the 1st day of July, 1984.

(3) Clauses 36 (1) (c), (d), (e) and (f) of the said Act, as re-enacted by subsection (1) of this section, apply to payments accruing on or after the 1st day of July, 1984, but nothing therein entitles any person to claim additional compensation for any period prior to the 1st day of July, 1984.

(4) The amounts payable under clauses 36 (1) (c), (d), (e) and (f) of the said Act, as re-enacted by subsection (1) of this section, do not apply to a lump sum award or to payments due prior to the 1st day of July, 1984.

2.—(1) Subsection 36 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 45, section 2, is repealed and the following substituted therefor:

Payment of lump sum

(6) In addition to any other compensation provided for, the widow or widower, or where the worker leaves no widow or widower, the person described in subsection (5), is entitled to a lump sum of $1,500.

(2) Subsection 36 (6) of the said Act, as re-enacted by subsection (1) of this section, applies only where the death occurs on or after the 1st day of July, 1984.

3. Subsection 43 (8) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 45, section 4, is repealed and the following substituted therefor:

Increase in payments

(8) The amounts payable under this section shall be increased if the injury occurred on or before the 30th day of June, 1984 by adding thereto a factor of 5 per cent effective the 1st day of July, 1984.

Limitation under this section

(9) The amount of compensation to which a worker is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings of $26,800 effective on the 1st day of July, 1984 for amounts accruing on and after the 1st day of July, 1984.

Application

(10) Subsections (8) and (9) do not apply to an award that was previously commuted or paid as a lump sum under subsection (4), an award under subsection (6) or an award under clause 44 (b).

4.—(1) Section 44 of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 45, section 5, is repealed and the following substituted therefor:

44. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured worker is entitled shall not be less than, Minimum amount of compensation

(a) for temporary total disability,

(i) $188 a week, where the worker's average earnings were not less than $188 a week, from the 1st day of July, 1984, and

(ii) the amount of the worker's earnings, where the worker's average earnings are less than $188 a week, from the 1st day of July, 1984,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 43 and 45, but the amount of such pension shall not be less than,

(i) for permanent total disability, $826 a month from the 1st day of July, 1984, and

(ii) for permanent partial disability, an amount proportionate to that mentioned in subclause (i) in accordance with the impairment of earning capacity; or

(c) alternatively to subclause (b) (i), for permanent total disability, the benefits which would have been payable from time to time under clauses 36 (1) (c), (d) and (e) and under section 38, as if the worker had died from the injury.

(2) Section 44 of the said Act, as re-enacted by subsection (1) of this section, applies to accidents occurring on or after the 1st day of July, 1984, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1984.

5.—(1) Subsection 45 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 45, section 6, is repealed and the following substituted therefor:

How average earnings to be computed

(1) Average earnings shall be computed in such a manner as is best calculated to give the rate per week or month at which the worker was remunerated but not so as in any case to exceed the rate of $26,800 per annum.

(2) Subsection 45 (1) of the said Act, as re-enacted by subsection (1) of this section, applies to accidents occurring on or after the 1st day of July, 1984, to benefits arising under section 42 of the said Act and to benefits arising under section 43 of the said Act, as amended by section 3 of this Act, but does not apply to a commutation lump sum award previously made, including an award under subsection 43 (4) or to an award under subsection 43 (6) or to an award under clause 44 (b) of the said Act, and nothing in subsection (1) of this section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1984.

6.—(1) Clause 52 (3) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 45, section 7, is repealed and the following substituted therefor:

(b) on application, an allowance not exceeding $350 a year for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding $175 a year in respect of an upper limb prosthesis where the lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,

. . . . .

(2) Clause 52 (3) (b) of the said Act, as re-enacted by subsection (1) of this section, applies to payments accruing on and after the 1st day of July, 1984, but nothing therein entitles any person to claim additional payment for any period prior to the 1st day of July, 1984.

Commencement

7. This Act comes into force on the 1st day of July, 1984.

Short title

8. The short title of this Act is the *Workers' Compensation Amendment Act, 1984*.

CHAPTER 39

An Act to amend the Farm Products Payments Act

Assented to June 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (f) of the *Farm Products Payments Act*, being chapter 159 of the Revised Statutes of Ontario, 1980, is amended by striking out "and" at the end of subclause (ii), by adding "and" at the end of subclause (iii) and by adding thereto the following subclause:

(iv) any person or class of persons engaged in selling a farm product or any class thereof, as an owner or owners or otherwise.

2. Section 3 of the said Act is amended by adding thereto the following subsection:

(1a) Where farm produce within the meaning of the *Grain Elevator Storage Act, 1983* is stored under that Act, and, Idem 1983, c. 40

(a) the grain elevator operator fails to deliver to the owner the whole or any part of such farm produce upon demand therefor; or

(b) the whole or any part of the grain elevator operator's assets have been placed in the hands of a trustee for distribution under the *Bankruptcy Act* (Canada) or the *Bulk Sales Act* or in the hands of a receiver for distribution pursuant to a debenture or like instrument and the trustee or receiver fails to deliver to the owner the whole or any part of such farm produce upon demand therefor, R.S.C. 1970, c. B-3; R.S.O. 1980, c. 52

the owner may apply to the board that administers the fund for the farm produce claiming payment from such fund.

3. Section 7 of the said Act is amended by adding thereto the following subsection:

Payment from fund

(2) A board may pay from its fund the whole or any part of the costs incurred in determining financial responsibility for the purposes of an Act mentioned in subsection (1).

4. Section 8 of the said Act is amended by adding thereto the following clause:

(ba) designating as a producer any person or class of persons engaged in selling a farm product or any class thereof as an owner or owners or otherwise, and may limit the extent of any such designation.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Farm Products Payments Amendment Act, 1984*.

CHAPTER 40

An Act to amend the Farm Products Grades and Sales Act

Assented to June 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses 2 (1) (k), (p) and (u) of the *Farm Products Grades and Sales Act*, being chapter 157 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

(k) providing for the exemption from this Act and the regulations, or any part thereof, of any person or class of persons or any farm product or class, variety, grade or size of farm product;

. . . . .

(p) prescribing grounds for refusal to issue or renew, suspension or revocation of licences in addition to the grounds mentioned in section 10, 11, 12 or 13, as the case may be;

(pa) requiring the furnishing of security or proof of financial responsibility by dealers or any class thereof and providing for the administration, forfeiture and disposition of any moneys or securities so furnished;

(pb) prescribing the manner in which, and the conditions under which, a dealer or any class thereof shall make payment for farm products or any class thereof;

. . . . .

(u) prescribing the books and records to be kept, reports to be made and information to be furnished

by dealers or any class thereof, and the places at which such books and records shall be kept;

(ua) establishing classes of dealers;

(ub) establishing classes of farm products.

(2) Subsection 2 (4) of the said Act is repealed and the following substituted therefor:

Adoption by reference

(4) Any regulation made under this section may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any grade, standard, grade name or mark, packaging, packing, marking or labelling requirement or specification of containers or packages established under the *Canada Agricultural Products Standards Act*, as amended or re-enacted from time to time, and may require compliance with any such grade, standard, grade name or mark, packaging, packing, marking or labelling requirement or specification of containers or packages so adopted, including any such changes.

R.S.C. 1970, c. A-8

2. Clause 10 (2) (c) of the said Act is repealed and the following substituted therefor:

(c) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or the terms and conditions upon which the licence is issued.

3. Clause 11 (b) of the said Act is repealed and the following substituted therefor:

(b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other law in force in Ontario applying to the carrying on of such business or the terms and conditions of the licence and such contravention warrants such refusal to renew, suspension or revocation of the licence.

4. Clause 12 (4) (d) of the said Act is repealed and the following substituted therefor:

(d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or

the terms and conditions upon which the licence is issued.

5. Clause 13 (b) of the said Act is repealed and the following substituted therefor:

(b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other law in force in Ontario applying to the carrying on of such business or the terms and conditions of the licence and such contravention warrants such refusal to renew, suspension or revocation of the licence.

6. The said Act is amended by adding thereto the following sections:

Terms and conditions

13a.—(1) The Director may impose such terms and conditions upon a licence as he considers proper.

Variation or removal of term or condition

(2) Where a licensee is not satisfied with a term or condition imposed upon his licence by the Director, he may apply to the Director to have the term or condition varied or removed and, where the Director proposes to refuse to vary or remove the term or condition, he shall hold a hearing.

Provisional suspension or refusal to renew

13b.—(1) Notwithstanding section 11 or 13, the Director may, without a hearing, provisionally suspend or refuse to renew a licence where in his opinion it is necessary to do so for the immediate protection of,

(a) the safety or health of any person or the public;

(b) the interests of persons selling farm products to the licensee; or

(c) a fund for producers of farm products established under the *Farm Products Payments Act*. R.S.O. 1980, c. 159

Notice of suspension or refusal to renew

(2) Notice of suspension or refusal to renew under subsection (1), together with the reasons therefor, shall be given forthwith to the licensee and, as soon as is practicable thereafter, the Director shall hold a hearing to determine whether the licence should be further suspended or revoked or whether renewal of the licence should be refused.

7. Section 14 of the said Act is repealed and the following substituted therefor:

Continuation of licence pending renewal

14. Subject to section 13b, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has,

(a) applied for a renewal of his licence;

(b) paid the prescribed fee;

(c) where proof of financial responsibility or security is required, furnished or deposited such proof or security; and

(d) observed or carried out the other provisions of this Act and the regulations and the terms and conditions upon which the licence was issued,

his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

8.—(1) Subsection 17 (1) of the said Act is repealed and the following substituted therefor:

Appeal to Board

(1) Where the Director refuses to issue or renew or suspends or revokes a licence or, after a hearing, imposes terms or conditions upon a licence or refuses to vary a term or condition of a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.

(2) Subsection 17 (3) of the said Act is amended by striking out "to determine whether the licence should be issued, renewed, suspended or revoked" in the third and fourth lines.

9. Section 23 of the said Act is repealed and the following substituted therefor:

Offence

23.—(1) Subject to subsection (2), every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than $2,000 for a first offence and not more than $5,000 for any subsequent offence.

Idem

R.S.O. 1980, c. 159

(2) Where a fund for producers of a farm product is established under the *Farm Products Payments Act*, every person who commences or continues to carry on business as a dealer

in such farm product without a licence therefor from the Director is guilty of an offence and on conviction is liable to a fine of not less than $2,000 for a first offence and not less than $5,000 for any subsequent offence.

Commencement

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

11. The short title of this Act is the *Farm Products Grades and Sales Amendment Act, 1984*.

CHAPTER 41

An Act respecting the City of Barrie and the Township of Vespra

Assented to June 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "annexed area" means the land annexed to the City of Barrie under section 2;

(b) "City" means The Corporation of the City of Barrie;

(c) "Minister" means the Minister of Municipal Affairs and Housing;

(d) "Township" means The Corporation of the Township of Vespra.

Annexation of part of Vespra to Barrie

2. On the 1st day of July, 1984, the portion of the Township of Vespra described in the Schedule is annexed to the City of Barrie.

Assets and liabilities

3.—(1) All the assets and liabilities of the Township attributable on the 1st day of July, 1984, to the annexed area become assets and liabilities of the City without compensation.

Committee of arbitrators

(2) The Minister may appoint a committee of arbitrators for the purpose of determining the assets and liabilities, including reserve funds, of the Township attributable to the annexed area.

Composition

(3) The committee shall consist of the treasurer of the City, the treasurer of the Township and such other person or persons as the Minister may appoint.

Determination of assets and liabilities

(4) The committee shall make a determination of the assets and liabilities, including reserve funds attributable to the annexed area, together with the determination of any financial adjustments that may be necessary.

Notification of determination

(5) The committee shall notify the clerk of the City, the clerk of the Township and the Ontario Municipal Board of the determination made under subsection (4), and, unless the council of either municipality informs the Board in writing within thirty days of the notification that it objects to such determination, the determination shall be given effect to by order of the Board.

Determination of O.M.B.

(6) Where objection is made to the Ontario Municipal Board under subsection (5), the Board may by order make all such adjustments of assets and liabilities as between the Township and the City as the Board may consider equitable, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made under this subsection.

R.S.O. 1980, c. 347

Annexation of further lands

4. The City shall not apply for the annexation of any further lands in the Township of Vespra before the 1st day of January, 2012, unless the Township agrees to such annexation.

Unpaid taxes

5.—(1) All taxes levied under any general or special Act and uncollected in the annexed area which are due and unpaid on the 31st day of December, 1984, shall after that date be taxes due and payable to the City and may be collected and recovered by the City as if the taxes had been imposed by the City.

Special roll

(2) The clerk of the Township shall forthwith after the 31st day of December, 1984 prepare and furnish to the clerk of the City a special collector's roll showing all arrears of taxes or special rates assessed against the lands in the annexed area up to the 31st day of December, 1984, and the persons assessed therefor.

Trans-Canada Pipe Line

6. Notwithstanding that any portion of the Trans-Canada Pipe Line is situate within the annexed area, for assessment and taxation purposes, that portion of the Pipe Line situate in the Township of Vespra immediately before the annexation provided for in section 2, shall be deemed to continue to be situate in the Township of Vespra.

By-laws

7.—(1) On and after the 1st day of July, 1984, the by-laws of the City extend to the annexed area and the by-laws of the Township cease to apply to such area, except by-laws relating to highways and by-laws passed by the Township under sec-

tion 34 of the *Planning Act, 1983* or a predecessor of that section which shall remain in force until amended or repealed by the council of the City, and except by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of the Township. 1983, c. 1

(2) On and after the 1st day of July, 1984, By-law No. 83-15 of the Township, in so far as it applies to the annexed area, shall be deemed to be a by-law of the City and to have been submitted to the Ontario Municipal Board for approval. Zoning by-law of Township deemed by-law of City

(3) The provisions of the official plan of the Township as they pertain to the annexed area shall be deemed to be provisions of the official plan of the City. Official plan

(4) The Minister shall remain seized of the portions of the official plan submitted to the Minister by the Township for approval that pertain to the annexed area and that as of the 1st day of July, 1984 have not been approved by the Minister and when and if such additional portions are approved they shall be deemed to be provisions of the official plan of the City. Deferred portions of official plan

8.—(1) Notwithstanding any general or special Act, the Minister may provide at any time by order, that in the years 1985, 1986, 1987 and 1988 and in the manner specified in the order, the council of the City shall levy and impose on the whole of the annexed area and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section. Rates of taxation

(2) An order made under subsection (1) may provide for rates of taxation for general purposes and rates and charges for special purposes in defined areas of the annexed area lower than the rates generally applicable in the City to reflect the extent to which the annexed area does not receive City services, and the rates may vary among the defined areas. Idem

9. The City shall pay to the Township and to the County of Simcoe, as compensation for any loss of assessment caused by the annexation provided for in section 2, such amount and in such manner as the Minister determines and in making his determination, the Minister shall have regard to the loss of assessment, the impact on grants under the *Ontario Unconditional Grants Act,* and such other matters as the Minister may consider appropriate. Compensation for loss of assessment

R.S.O. 1980, c. 359

Taxes

10. In the year 1984 the Township shall levy, collect and retain taxes on the lands in the annexed area and the City shall not levy or collect any taxes on the lands in the annexed area until the year 1985.

County levy, etc.

11. The Township shall, in 1984, pay the levy for county purposes and the amounts required by law to be provided for school purposes and such amounts as may be levied by boards or commissions directly on the Township, in the amounts that would have been paid if the lands in the annexed area had remained in the Township of Vespra for the whole of that year, and the Minister may take into account the moneys so paid when determining the amount of any grants under section 12.

Grants

12.—(1) The Minister may, by order, provide for the payment of grants to the Township or to the City or to the County of Simcoe under such terms and conditions as the Minister considers appropriate.

Moneys

(2) The moneys required for the purposes of subsection (1) shall, until the 31st day of March, 1985, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.

Member of City council

13.—(1) The council of the Township may, by by-law passed within sixty days of the coming into force of this Act, designate the head of the council or such other member of council or a person who is a resident in the annexed area who is qualified to be a member of the Township council as the by-law appoints as a member of the council of the City and the person appointed shall hold office for the remainder of the term of the present City council and is entitled to receive all such remuneration as is payable to a regular member of the City council.

Application of 1983, c. 8.

(2) A member of the council of the Township who is also a member of the council of the City under subsection (1), does not, by reason only of being a member of both councils, have an indirect pecuniary interest for the purposes of the *Municipal Conflict of Interest Act, 1983* in respect of any matter that is the subject of consideration by either council.

Redivision of wards

14.—(1) For the purposes of the general election to be held in 1985, the Minister may, by order, redivide the City into wards taking into consideration the land annexed to the City by section 2 and such wards shall remain in effect until altered by the Ontario Municipal Board.

(2) An order made under subsection (1) may provide for the composition of the council of the City which composition shall remain in effect until altered in accordance with the provisions of the *Municipal Act*, and may provide that the composition of council shall be deemed to have been provided for by by-law of the City. Composition of council R.S.O. 1980, c. 302

15. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the opinion of the Minister are necessary or advisable to carry out effectively the purposes or intent of this Act. Powers of L.G. in C.

16. This Act comes into force on the day it receives Royal Assent. Commencement

17. The short title of this Act is the *Barrie-Vespra Annexation Act, 1984*. Short title

SCHEDULE

Commencing at the intersection of the southerly boundary of the Township of Vespra and the westerly boundary of the City of Barrie;

Thence westerly along the southerly boundary of the said Township to a point distant 105 metres measured westerly therealong from the centre line of the road allowance between concessions VII and VIII;

Thence northerly 61 metres to the southeasterly angle of Part 1 as shown on a Plan deposited in the Land Registry Office for the Registry Division of Simcoe (No. 51) as Number 51R-8915;

Thence north 31° 58′ west along the easterly limit of the said Part 167.64 metres to the northeasterly angle of the said Part;

Thence north 31° 58′ west 90.5 metres more or less to a point distant 156.17 metres measured south 31° 58′ east from the line between the northerly and southerly halves of Lot 24 in Concession VIII;

Thence south 58° 59′ west 50 metres more or less to an angle in Part 1 as shown on a Plan deposited in the said Registry Office as Number 51R-3074;

Thence north 31° 58′ west along an easterly limit of the said Part 107.41 metres to an angle in the said Part 1;

Thence north 58° 59′ east along a limit of the said Part 80.54 metres to the westerly limit of Part 3 as shown on the said Plan Number 51R-3074;

Thence north 31° 58′ west along the westerly limit of parts 3 and 2 as shown on the said Plan 48.77 metres to the line between the northerly and southerly halves of Lot 24 in Concession VIII;

Thence south 58° 59′ west along the said line 15.25 metres to the easterly angle of Part 3 as shown on a Plan deposited in the said Registry Office as Number 51R-4226;

Thence north 31° 58′ 50″ west along the easterly limit of the said Part 59.66 metres to the northeasterly angle of the said Part;

Thence north 70° 12′ east along the southerly limit of Part 8 as shown on the said Plan 36.88 metres to a point;

Thence north 31° 58′ west crossing the lands of Ontario Hydro 51.45 metres to an easterly angle of Part 1 as shown on the said Plan;

Thence north 19° 45′ 10″ west 63.3 metres to a point on a limit of the said Part 1;

Thence south 70° 14′ 50″ west 24.38 metres more or less to an angle in the said Part;

Thence north 20° 10′ 40″ west along a limit of the said Part 42 metres to an angle in the said Part;

Thence south 69° 41′ 50″ west along a limit of the said Part 15.19 metres to an angle in the said Part;

Thence north 20° 18′ 10″ west 70.25 metres to a point on a limit of the said Part;

Thence south 70° 14′ 50″ west along a limit of the said Part 21.3 metres more or less to an angle in the said Part;

Thence north 20° 15′ 10″ west 135.94 metres to a point on a limit of the said Part;

Thence south 69° 56′ 40″ west 26.2 metres more or less to an angle in the said Part;

Thence north 20° 12′ 10″ west along a limit of the said Part 65.51 metres to a point;

Thence south 69° 47′ 30″ west along a limit of the said Part 11.84 metres to a point;

Thence north 20° 11′ 30″ west 77.91 metres to a limit of the said Part;

Thence south 70° 14′ 50″ west 18.9 metres more or less to an angle in the said Part;

Thence northwesterly following the easterly limits of the said Part to the intersection of easterly limit of the Trans Canada Pipeline and the northerly angle of the said Part 1;

Thence north 31° 52′ 30″ west 26.04 metres to an angle in the said Plan Number 51R-4226;

Thence north 57° 30′ east to and along the southerly limit of Part 10 as shown on the said Plan 121.92 metres to the easterly limit of Lot 23 in Concession VIII;

Thence north 31° 52′ 30″ west along the said easterly limit 20.44 metres to the northeasterly angle of the said Lot;

Thence northerly along the easterly limit of Lot 22 in Concession VIII to the northeasterly angle of the said Lot;

Thence easterly to and along the northerly limit of Lot 22 in Concession VII to the easterly limit of the Trans Canada Pipeline as shown on a Plan

registered in the said Registry Office as Routine Pipeline Plan Number 131530;

Thence northerly along the easterly limit of the said Pipeline to the westerly limit of the easterly half of Lot 20 in Concession VII;

Thence northerly along the said westerly limit to the northerly limit of the said Lot;

Thence easterly along the southerly limit of Lot 19 in concessions VII and VI to the easterly limit of the westerly half of Lot 19 in Concession VI;

Thence northerly along the said easterly limit to the southerly limit of the Trans Canada Pipeline as shown on a Plan registered in the said Registry Office as Number 131529;

Thence easterly along the southerly limit of the said Pipeline to the easterly limit of the said Lot 19 in Concession VI;

Thence northerly along the easterly limit of the said Lot to the northeasterly angle of the said Lot;

Thence easterly to and along the northerly limit of the westerly half of Lot 19 in Concession V to the westerly limit of the easterly half of Lot 18 in Concession V;

Thence northerly along the said westerly limit to a point distant 208.59 metres measured southerly therealong from the northerly limit of the easterly half of the said Lot 18;

Thence easterly to the southwesterly angle of Part 1 as shown on a Plan deposited in the said Registry Office as Number 51R-12176;

Thence easterly along the southerly limit of the said Part 182.9 metres to the westerly limit of the King's Highway Number 27;

Thence easterly to a point on the westerly limit of Lot 18 in Concession III distant 200 metres measured southerly therealong from the northwesterly angle of the said Lot;

Thence southerly along the said westerly limit to the southwesterly angle of the said Lot 18;

Thence easterly along the southerly limit of the westerly half of Lot 18 in Concession III to the line between the east and west halves of Concession III;

Thence southerly along the said line to a point distant 179.96 metres measured northerly therealong from the southwesterly angle of the easterly half of Lot 20 in Concession III;

Thence easterly and parallel with the southerly limit of the said easterly half of Lot 20, 44.99 metres to a point;

Thence southerly and parallel with the westerly limit of the said half of Lot 20, 179.96 metres to the northerly limit of the road allowance between lots 20 and 21;

Thence easterly along the northerly limit of the said road allowance to the westerly high water mark of Little Lake;

Thence easterly along the southerly high water mark of the said Lake, including docks or extremities, to the northerly limit of Lot 6 in Concession I W.P.R.;

Thence easterly along the northerly limit of the said Lot 6 to the easterly limit of the King's Highway Number 400;

Thence southerly along the easterly limit of the said Highway 59.3 metres to the easterly limit of the said Plan Number 302;

Thence southerly along the said easterly limit to intersect a line parallel with and distant 57.91 metres measured northerly at right angles from the southerly limit of the said Lot 6.

Thence easterly along the said parallel line to the easterly boundary of the Township of Vespra;

Thence southerly along the said easterly boundary to the northerly boundary of the City of Barrie;

Thence westerly following the boundaries between the City of Barrie and the Township of Vespra to the place of commencement.

CHAPTER 42

An Act respecting Labour Disputes between the Toronto Transit Commission, and GO Transit and Locals 113 and 1587, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2

Assented to August 29th, 1984

Preamble

Whereas the Toronto Transit Commission and Local 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2, have been parties to collective agreements, all of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under the *Labour Relations Act*; and whereas the parties have not achieved a settlement of the disputes; and whereas strikes by the unions against the employer would cause a cessation of the operation of public transportation facilities, rendering travel difficult and endangering the public safety; and whereas the public interest and welfare require that means be provided to avert the strikes and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties; and whereas the matters in dispute between the Toronto Transit Commission, Gray Coach Lines, Limited and Local 113, Amalgamated Transit Union are affected by related negotiations between GO Transit and Local 1587, Amalgamated Transit Union under the *Crown Employees Collective Bargaining Act* because of the intended transfer of routes from Gray Coach Lines, Limited to GO Transit;

R.S.O. 1980, c. 228

R.S.O. 1980, c. 108

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

Interpretation

1.—(1) In this Part,

(a) "employer" means the Toronto Transit Commission;

(b) "expiry date" means, in the case of the collective agreement between the Toronto Transit Commission and,

(i) Local 113, Amalgamated Transit Union, the 30th day of June, 1984,

(ii) Lodge 235, International Association of Machinists and Aerospace Workers, the 31st day of March, 1984, and

(iii) the Canadian Union of Public Employees, Local No. 2, the 31st day of March, 1984;

(c) "Minister" means the Minister of Labour;

(d) "parties" means the employer and the unions;

(e) "unions" means Local 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and the Canadian Union of Public Employees, Local No. 2 or any one of them.

Idem

R.S.O. 1980, c. 228

(2) Unless a contrary intention appears, expressions used in this Part have the same meaning as in the *Labour Relations Act*.

Application of Act

2.—(1) This Part applies to the parties and to the employees of the employer on whose behalf the unions are entitled to bargain with the employer under the *Labour Relations Act*.

Application of R.S.O. 1980, c. 228

(2) Except as modified by this Part, the *Labour Relations Act* applies to the parties and to the employees mentioned in subsection (1).

Appointment of arbitrator

3.—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine and decide upon the matters referred to in section 4.

Replacement of arbitrator

(2) Where the arbitrator is unable to take up or to carry on his or her duties so as to enable him or her to render a decision within the period of time mentioned in subsection 4 (4), the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator and the inquiry shall begin anew.

Procedure

(3) The arbitrator shall determine his or her own procedure, but shall give full opportunity to the employer and the unions to present their evidence and make their submissions.

Powers of arbitrator
R.S.O. 1980, c. 228

(4) The arbitrator has all the powers of an arbitrator under the *Labour Relations Act*.

Duty of arbitrator

4.—(1) The arbitrator shall examine and decide all matters remaining in dispute between the employer and the unions immediately before the coming into force of this Act, including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties.

Arbitrator to remain seized of matters in dispute

(2) The arbitrator shall remain seized of and may deal with all matters within the arbitrator's jurisdiction until collective agreements between the employer and the unions are in effect.

Agreement upon some matters

(3) Where, before or during the proceedings before the arbitrator, the employer and the unions agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

(a) the matters not agreed upon between the employer and the unions; and

(b) any further matters that the employer and the unions agree should be decided by the arbitrator or that appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

Decision of arbitrator

(4) The arbitrator's decision shall be made within forty-five days after the date of appointment or within such further period of time as the Minister may permit.

Decision binding
R.S.O. 1980, c. 228

5.—(1) The arbitrator's decision shall be binding upon the employer and the unions and the employees on whose behalf the unions are entitled to bargain with the employer under the *Labour Relations Act*.

Execution of agreement

(2) Within seven days of the date of the arbitrator's decision or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the arbitrator's decision and any agreement of the parties, and the documents thereupon constitute collective agreements.

Preparation of agreement by arbitrator

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the arbitrator's decision and any agreement of the parties within the period mentioned in subsection (2), they shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision and any agreement of the parties and submit the documents to the parties for execution.

Failure to execute agreement

(4) If the parties or any of them fail to execute the documents prepared by the arbitrator within a period of seven days from the day the arbitrator submits the documents to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements.

R.S.O. 1980, cc. 25, 484 not to apply

6. The *Arbitrations Act* and Part I of the *Statutory Powers Procedure Act* do not apply to the arbitration and the arbitrator's decision under this Part.

Hourly rates of wages: interim increase

7. The basic hourly rates of wages for employees to whom this Part applies are hereby increased by 5 per cent over the basic hourly wage rates in effect on the expiry date, retroactive in each case to the day immediately following the expiry date, but the final basic hourly wage rates for the terms of the collective agreements shall be determined by the arbitrator.

No strike or lock-out, etc.

8.—(1) Upon the coming into force of this Part,

(a) the unions and the employer shall not call or threaten to call a strike or lock-out;

(b) no employee, member, officer, official or agent of the employer or the unions or of any one of them shall engage in, declare, threaten, authorize or acquiesce in a strike, lock-out or picketing; and

(c) no person shall counsel, procure, support or encourage a strike, lock-out or picketing contrary to this Part and no person shall do any act if the person knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will engage in a strike or lock-out contrary to this Part.

Terms of employment not to be altered

(2) Upon the coming into force of this Part, the employers shall not, except with the unions' consent, alter the rates of wages of the employees as increased by this Part, or any other term or condition of employment, or any right, privilege or

duty of the unions or the employees, that were in operation on the expiry date.

Idem

(3) Upon the coming into force of this Part, the unions shall not, except with the employer's consent, alter any term or condition of employment or any right, privilege or duty of the employer, the unions or the employees, that were in operation on the expiry date.

Compliance with subss. (2, 3)

(4) Any difference between the parties as to whether or not subsections (2) and (3) have been complied with may be referred to arbitration by the parties or any of them as if the collective agreements were still in operation, and sections 44 and 45 of the *Labour Relations Act* apply to the arbitration with necessary modifications.

R.S.O. 1980, c. 228

Application of R.S.O. 1980, c. 228

9. Sections 92, 93, 94, 95, 97, 98, 99 and 100 of the *Labour Relations Act* apply to the parties and to the employees mentioned in subsection 2 (1) with necessary modifications.

Penalty

10.—(1) A person or union who contravenes any provision of this Part is guilty of an offence and on summary conviction is liable,

(a) if an individual, to a fine of not more than $1,000; or

(b) if a corporation or trade union, to a fine of not more than $10,000.

Continued offences

(2) Each day that a person or union contravenes any provision of this Part constitutes a separate offence.

Consent

11.—(1) No prosecution for an offence under this Part shall be instituted except with the written consent of the Minister.

R.S.O. 1980, c. 228, s. 101 not to apply

(2) Section 101 of the *Labour Relations Act* does not apply to a prosecution for an offence under this Part.

Evidence of consent

(3) In a prosecution for an offence under this Part, a copy of a consent purporting to have been signed by the Minister is sufficient evidence of the Minister's consent without proof of the signature.

Costs

12. The employer and the unions shall assume their own costs of the proceedings under this Part, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund.

PART II

Interpretation
R.S.O. 1980, c. 505

13.—(1) In this Part, "GO Transit" means the Toronto Area Transit Operating Authority continued by the *Toronto Area Transit Operating Authority Act*.

Items incorporated in collective agreement
R.S.O. 1980, c. 108

(2) Any collective agreement made between GO Transit and Local 1587, Amalgamated Transit Union under the *Crown Employees Collective Bargaining Act* shall be deemed to contain items 2 to 10, both inclusive, of Appendix R to the Memorandum of Agreement between the Toronto Transit Commission, Gray Coach Lines, Limited and Local 113, Amalgamated Transit Union, dated the 3rd day of August, 1984, as amended by item 1 of the Supplementary Memorandum of Settlement between GO Transit and Locals 113 and 1587, Amalgamated Transit Union, dated the 17th day of August, 1984.

Crown bound

(3) This Part binds the Crown.

Commencement

14.—(1) This Act comes into force on the day it receives Royal Assent.

Repeal

(2) Part I is repealed on the day on which the last of the collective agreements made under Part I comes into operation.

Idem

(3) Part II is repealed on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. The short title of this Act is the *Toronto Transit Commission, Gray Coach Lines, Limited and GO Transit Labour Disputes Settlement Act, 1984*.

CHAPTER 43

An Act respecting a Labour Dispute between the Ontario Public Service Employees Union and the Ontario Council of Regents for Colleges of Applied Arts and Technology and the Boards of Governors of Colleges of Applied Arts and Technology

Assented to November 9th, 1984

Preamble

Whereas the Ontario Council of Regents for Colleges of Applied Arts and Technology and the Ontario Public Service Employees Union have been parties to an agreement in respect of the academic staff bargaining unit of employees of colleges of applied arts and technology that expired on the 31st day of August, 1984, and have been negotiating terms and conditions of employment for the employees; and whereas a strike by the employees against the Ontario Council of Regents for Colleges of Applied Arts and Technology and the boards of governors of the colleges of applied arts and technology has been in effect since the 17th day of October, 1984; and whereas the Ontario Council of Regents for Colleges of Applied Arts and Technology and the Ontario Public Service Employees Union, on behalf of the employees, have been unable to make an agreement as to the terms and conditions of employment; and whereas the College Relations Commission has advised the Lieutenant Governor in Council that the continuance of the strike will place in jeopardy the successful completion of courses of study by the students affected by the strike; and whereas the public interest, and in particular the interest of students, requires that all members of the academic staff bargaining unit of employees of colleges of applied arts and technology return to and resume their duties and that means be provided to bring the strike to an end and to settle all matters that are in dispute between the parties, other than instructional assignments, in order that a new collective agreement may be concluded between the parties;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

R.S.O. 1980, c. 74

(a) "agreement" has the same meaning as in the *Colleges Collective Bargaining Act*;

(b) "Council" means the Council of Regents of Colleges of Applied Arts and Technology;

(c) "employees" means the persons employed by one of the employers in a position or classification that is within the academic staff bargaining unit set out in Schedule 1 to the *Colleges Collective Bargaining Act*;

(d) "employer" means a board of governors of a college of applied arts and technology;

R.S.O. 1980, c. 74

(e) "lock-out" has the same meaning as in the *Colleges Collective Bargaining Act*;

(f) "Minister" means Minister of Colleges and Universities;

(g) "parties" means the Union and the Council;

(h) "strike" has the same meaning as in the *Colleges Collective Bargaining Act*;

(i) "Union" means the Ontario Public Service Employees Union.

2.—(1) Upon the coming into force of this Act,

Strike terminated

(a) the strike shall be terminated immediately by the Union and the employees;

Employees to return to work

(b) every employee shall report for work and shall perform the duties assigned by the employer including duties assigned by mutual consent in order to afford students the opportunity to complete courses of study affected by the strike;

Resumption of operations

(c) the employers shall operate and continue to operate the colleges of applied arts and technology; and

No strike or lock-out

(d) no person, employee or officer, official or agent of an employer, the Council or the Union shall engage in, declare, authorize, counsel, threaten or acquiesce in a lock-out, strike or any similar activity.

Agreement continued

(2) The agreement between the parties that was in effect on the 31st day of August, 1984 shall be in force from and including the day this Act comes into force as varied by or under this Act.

Exception

(3) Nothing in this Act precludes an employee from not returning to and resuming his duties with his employer for reasons of health or by mutual consent in writing of the employee and the employer.

Salaries and rates of wages

3.—(1) The salaries and rates of wages set out in the salary schedules for teaching masters and counsellors, instructors, librarians and partial-load employees set out in the appendices to the agreement between the parties that expired on the 31st day of August, 1984 are hereby increased to the salaries and rates of wages set out in the Schedule to this Act retroactive in each case to the 1st day of September, 1984 and the decision of the arbitrator shall include such increases, but, subject to subsection (2), nothing in this section prevents the arbitrator from granting increases in excess of those established in this section.

Adjustments

(2) For each employee, the salary in the Schedule to this Act shall be reduced by 1/261 for each working day from and including the 17th day of October, 1984 to the date on which this Act comes into force and by the amounts received by the employee with respect to the period from and including the 1st day of September, 1984 to and including the 16th day of October, 1984, but this subsection does not apply to partial-load employees.

Appointment of arbitrator R.S.O. 1970, c. 74

4.—(1) Consistent with the spirit of section 23 of the *Colleges Collective Bargaining Act*, the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine into and decide upon the matters referred to in section 5.

Replacement of arbitrator

(2) Where the arbitrator is unable to enter on or to carry on his duties so as to enable him to render his decision within the period of time mentioned in subsection 5 (6), the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator in his place and the inquiry shall begin anew.

Procedure

(3) The arbitrator shall determine his own procedure, but shall give full opportunity to the Council and the Union to present their evidence and make their submissions.

Powers of arbitrator R.S.O. 1980, c. 74

(4) Subject to this Act, the arbitrator has all the powers of an arbitrator under the *Colleges Collective Bargaining Act*.

Duty of arbitrator

5.—(1) The arbitrator shall examine into and decide all matters, other than instructional assignments, in dispute between the Council and the Union including any matter, other than instructional assignments, that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided between the parties.

Arbitrator to remain seized of matters in dispute

(2) The arbitrator shall remain seized of and may deal with all matters within his jurisdiction until the arbitrator has decided all matters mentioned in subsection (1).

Agreement upon some matters

(3) Where, before or during the proceedings before the arbitrator, the Council and the Union agree upon some matters to be included in the agreement and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

(a) the matters not agreed upon between the Council and the Union; and

(b) such other matters as may be agreed upon by the Council and the Union or may appear to the arbitrator to be necessary to be decided in order to conclude the agreement.

Term of agreement

(4) The agreement between the parties shall be for the period expiring on the 31st day of August, 1985.

Provincial fiscal policy

(5) In making his decision, the arbitrator shall consider as a factor the ability of the employers to pay in light of the existing provincial fiscal policy.

Decision of arbitrator

(6) The decision of the arbitrator shall be made within sixty days after the date of his appointment or within such further period of time as the Minister may permit.

Decision binding

6.—(1) The decision of the arbitrator shall be binding upon the Council, the employers, the Union and the employees.

Execution of agreement

(2) Within seven days of the date of the decision of the arbitrator or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute a document giving effect to the provisions of this Act and the decision of the arbitrator and any agreement of the parties, and the document thereupon constitutes an agreement.

Preparation of agreement by board

(3) If the parties fail to prepare and execute a document in the form of an agreement giving effect to the provisions of this

Act and the decision of the arbitrator and any agreement of the parties within the period mentioned in subsection (2), the parties or either of them shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare a document in the form of an agreement giving effect to the provisions of this Act and the decision of the arbitrator and any agreement of the parties and submit the document to the parties for execution.

Failure to execute agreement

(4) If the parties or either of them fail to execute the document prepared by the arbitrator within a period of seven days from the day of submission of the document by the arbitrator to them, the document shall come into effect as though it had been executed by the parties and the document thereupon constitutes an agreement.

R.S.O. 1980, c. 25 not to apply

7.—(1) The *Arbitrations Act* does not apply to the proceedings under this Act.

Idem
R.S.O. 1980, c. 484

(2) Part I of the *Statutory Powers Procedure Act* does not apply to the proceedings under this Act.

Application of R.S.O. 1980, c. 74

8. Sections 62, 78 and 90 of the *Colleges Collective Bargaining Act* apply with necessary modifications under this Act as if such sections were enacted in and form part of this Act.

Contravention of Act by person

9.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on conviction is liable to a fine of not more than $500 for each day upon which the contravention occurs or continues.

Contravention of Act by employer or Union

(2) Every employer or Union that contravenes any provision of this Act is guilty of an offence and on conviction is liable to a fine of not more than $10,000 for each day upon which such contravention occurs or continues.

Where officer guilty of offence

(3) Where the Union is guilty of an offence under this Act, every officer, official or agent thereof who assents to the commission of the offence is guilty of the offence and is liable to a fine of not more than $500 for each day upon which the contravention by the Union occurs or continues.

Directors, officers, employees and agents

(4) Where an employer is convicted of an offence under this Act,

(a) each member of the board of the employer; and

(b) each officer, employee or agent of the employer who was in whole or in part responsible for the con-

duct of that part of the business of the employer that gave rise to the offence,

is guilty of an offence unless he satisfies the court that he took all reasonable care to prevent the commission of the offence and is liable to a fine of not more than $500 for each day upon which the contravention by the employer occurs or continues.

Consent

(5) No prosecution for an offence under this Act shall be instituted except with the written consent of the Minister.

Instructional Assignment Review Committee

10.—(1) There shall be a committee to be known as the Instructional Assignment Review Committee to be composed of three persons who shall be appointed by the Minister.

Chairman

(2) The Minister shall designate one of the members of the Committee to be chairman.

Remuneration and expenses

(3) The chairman and the other members of the Committee shall be paid such remuneration and expenses as are determined by the Minister.

Review

(4) The Committee shall conduct a comprehensive review of all aspects of instructional assignments in the colleges of applied arts and technology.

Consultation

(5) As part of its review, the Committee shall consult with persons representing the views of the Ontario Council of Regents for Colleges of Applied Arts and Technology, the boards of governors of the colleges of applied arts and technology, the Ontario Public Service Employees Union, students attending the colleges of applied arts and technology, parents of such students and other persons who the Committee is satisfied have an interest in instructional assignments in the colleges of applied arts and technology.

Report

(6) The committee shall submit its report and recommendations to the Minister not later than the 30th day of June, 1985 and is thereupon dissolved.

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. The short title of this Act is the *Colleges of Applied Arts and Technology Labour Dispute Settlement Act, 1984*.

SCHEDULE

(a) TEACHING MASTERS AND COUNSELLORS

Minimum	$22,476
Step 1	23,813
Step 2	25,154
Step 3	26,491
Step 4	27,832
Step 5	29,169
Step 6	30,508
Step 7	31,847
Step 8	33,186
Step 9	34,525
Step 10	35,863
Step 11	37,202
Step 12	38,540
Step 13	39,880
Step 14	41,218
Step 15	42,556
Step 16	43,895

(b) INSTRUCTORS

Minimum	$19,188
Step 1	20,530
Step 2	21,866
Step 3	23,205
Step 4	24,544
Step 5	25,884
Step 6	27,222
Step 7	28,561
Step 8	29,900
Step 9	31,240
Step 10	32,577

(c) LIBRARIANS

LIBRARIANS I

Minimum	$23,252
Step 1	24,590
Step 2	25,929
Step 3	27,271
Step 4	28,608
Step 5	29,945
Step 6	31,285

LIBRARIANS II

Minimum	$27,229
Step 1	28,566
Step 2	29,907
Step 3	31,244
Step 4	32,583
Step 5	33,923
Step 6	35,260

(d) PARTIAL-LOAD EMPLOYEES

MINIMUM	$15.77 per hour
MAXIMUM	$35.03 per hour

CHAPTER 44

An Act to amend the Off-Road Vehicles Act, 1983

Assented to November 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (b) of the *Off-Road Vehicles Act, 1983*, being chapter 53, is repealed and the following substituted therefor:

(b) "highway", includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

2. Section 4 of the said Act is repealed and the following substituted therefor:

Age limit for driving

4.—(1) No owner of an off-road vehicle shall permit a child under the age of twelve to drive the vehicle.

Exception

(2) Subsection (1) does not apply where the child is driving the vehicle,

(a) on land occupied by the vehicle owner; or

(b) under the close supervision of an adult.

3. Subsection 5 (7) of the said Act is amended by adding thereto the following clause:

(g) prescribing conditions precedent to be met before an issued permit is valid.

Commencement

4. **This Act comes into force on the day it receives Royal Assent.**

Short title

5. **The short title of this Act is the *Off-Road Vehicles Amendment Act, 1984*.**

CHAPTER 45

An Act to amend certain Acts related to Payments in Lieu of Taxes to Municipalities

Assented to November 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (d) of the *Municipal Tax Assistance Act*, being chapter 311 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(d) "Minister" means the Minister of Municipal Affairs and Housing.

(2) Section 3 of the said Act is repealed and the following substituted therefor:

Non-application R.S.O. 1980, cc. 317, 485, 486, 31

3.—(1) This Act does not apply to unpatented lands, parks operated under the *Niagara Parks Act*, the *St. Clair Parkway Commission Act* or the *St. Lawrence Parks Commission Act*, hospitals, penal institutions, educational institutions, museums, libraries, highways, correctional institutions, cemeteries, minerals, cooling stations, weigh-scales and inspection stations, fish hatcheries, provincial forests and real property that is subject to municipal taxation under section 17 of the *Assessment Act*.

Minister's decision

(2) The Minister may decide as to whether this Act applies to any provincial property and the Minister's decision is final.

(3) Section 4 of the said Act is amended by striking out "Ministry" where it occurs in subsections (1), (3) and (5) and inserting in lieu thereof in each instance "Minister" and by adding thereto the following subsections:

Estimated assessed value

(9) For the purposes of this section, in the year 1984, the Minister of Revenue shall provide the Minister with an estimated assessed value of each agricultural research station, provincial park, historical park and wilderness area or the part of any such station, park or area within each municipality, and

such values shall be used as the assessed value of the property for the purposes of payments to be made for the year 1984.

Minimum payable re agricultural stations and provincial parks

(10) Notwithstanding any other provision of this Act, the minimum amount payable under subsections (1) and (2) to a municipality in respect of agricultural research stations, provincial parks, historical parks and wilderness areas situate in the municipality shall be an amount equal to the amount the municipality was entitled to receive in 1983 under subsection 160 (7) of the *Municipal Act* and section 4 of the *Provincial Parks Municipal Tax Assistance Act* as those provisions read on the 31st day of December, 1983.

R.S.O. 1980, cc. 302, 402

Municipal assessment deemed increased

(11) For the purposes of any general or special Act, the equalized assessment of a municipality that receives a payment under subsection (10) shall be deemed for apportionment purposes, other than for school purposes or for county purposes or for apportionment between merged areas, to be increased by an amount that would have produced the amount of the payment received by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment in the preceding year by the total equalized commercial and industrial assessment for the preceding year, multiplied by 1,000.

Exclusion of certain taxes

(12) In determining the taxes levied on commercial and industrial assessment under subsection (11), there shall be excluded taxes on such assessment under section 33 of the *Assessment Act*.

R.S.O. 1980, c. 31

(4) Section 5 of the said Act is repealed and the following substituted therefor:

Payment by Minister

5. The Minister may make a payment under this Act on behalf of any ministry or Crown agency and the payment may be recovered from the ministry or Crown agency on whose behalf the payment was made.

2. Section 3 of the *Provincial Parks Act*, being chapter 401 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

Tax assistance, assessment

(7) Notwithstanding subsection (5), for the purposes of the *Municipal Tax Assistance Act*, any land set apart as a provincial park or added thereto shall be deemed not to be separated from the municipality of which it formed a part immediately before it became a provincial park or a part thereof.

R.S.O. 1980, c. 311

3. The *Niagara Parks Act*, being chapter 317 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Payments in lieu of taxes

14a.—(1) The Minister of Municipal Affairs and Housing may pay in each year to a municipality in which there are one or more parks operated by the Commission,

(a) $12.35 per hectare for each of the first forty hectares of each such park and $5 per hectare for each hectare in excess of forty hectares in each such park up to 4,000 hectares in each such park and $1.25 per hectare for each hectare in excess of 4,000 hectares in each such park; or

(b) $100,

whichever is the greater, and the Minister shall recover such payments out of the funds of the Commission.

Determinations

(2) For the purposes of subsection (1), the Minister of Municipal Affairs and Housing shall determine annually,

(a) the names of those municipalities in which there was located on the next preceding 1st day of January, one or more parks or any part thereof; and

(b) the number of hectares to the nearest whole hectare in each park or part thereof so located within each such municipality,

and the Minister's determination is final.

Municipal assessment deemed increased

R.S.O. 1980, cc. 437, 438

(3) For the purposes of the *Regional Municipality of Hamilton-Wentworth Act* and the *Regional Municipality of Niagara Act*, the equalized assessment of an area municipality that receives a payment under this Act shall be deemed for apportionment purposes, other than for school purposes, to be increased by an amount that would have produced the amount of the payment received by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment in the preceding year by the total equalized commercial and industrial assessment for the preceding year, multiplied by 1,000.

Exclusion of certain taxes

R.S.O. 1980, c. 31

(4) In determining the taxes levied on commercial and industrial assessment under subsection (3), there shall be excluded taxes on such assessment under section 33 of the *Assessment Act*.

4. The *St. Clair Parkway Commission Act*, being chapter 485 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Payments in lieu of taxes

14a.—(1) The Minister of Municipal Affairs and Housing may pay in each year to a municipality in which there are one or more parks operated by the Commission,

(a) $12.35 per hectare for each of the first forty hectares of each such park and $5 per hectare for each hectare in excess of forty hectares in each such park up to 4,000 hectares in each such park and $1.25 per hectare for each hectare in excess of 4,000 hectares in each such park; or

(b) $100,

whichever is the greater, and the Minister shall recover such payments out of the funds of the Commission.

Determinations

(2) For the purposes of subsection (1), the Minister of Municipal Affairs and Housing shall determine annually,

(a) the names of those municipalities in which there was located on the next preceding 1st day of January, one or more parks or any part thereof; and

(b) the number of hectares to the nearest whole hectare in each park or part thereof so located within each such municipality,

and the Minister's determination is final.

5. The *St. Lawrence Parks Commission Act*, being chapter 486 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Payments in lieu of taxes

12a.—(1) The Minister of Municipal Affairs and Housing may pay in each year to a municipality in which there are one or more parks operated by the Commission,

(a) $12.35 per hectare for each of the first forty hectares of each such park and $5 per hectare for each hectare in excess of forty hectares in each such park up to 4,000 hectares in each such park and $1.25 per hectare for each hectare in excess of 4,000 hectares in each such park; or

(b) $100,

whichever is the greater, and the Minister shall recover such payments out of the funds of the Commission.

Determinations

(2) For the purposes of subsection (1), the Minister of Municipal Affairs and Housing shall determine annually,

(a) the names of those municipalities in which there was located on the next preceding 1st day of January, one or more parks or any part thereof; and

(b) the number of hectares to the nearest whole hectare in each park or part thereof so located within each such municipality,

and the Minister's determination is final.

6. **Subsection 97 (10) of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario, 1980, is amended by striking out "and section 4 of the *Provincial Parks Municipal Tax Assistance Act*" in the tenth and eleventh lines.**

7. **Subsection 79 (10) of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by striking out "and section 4 of the *Provincial Parks Municipal Tax Assistance Act*" in the tenth and eleventh lines.**

8. **Subsection 90 (10) of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is amended by striking out "and section 4 of the *Provincial Parks Municipal Tax Assistance Act*" in the tenth and eleventh lines.**

9. **Subsection 101 (10) of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is amended by striking out "and section 4 of the *Provincial Parks Municipal Tax Assistance Act*" in the tenth and eleventh lines and inserting in lieu thereof "section 14a of the *Niagara Parks Act*".**

10. **Subsection 121 (11) of the *Regional Municipality of Ottawa-Carleton Act*, being chapter 439 of the Revised Statutes of Ontario, 1980, is amended by striking out "section 4 of the *Provincial Parks Municipal Tax Assistance Act*" in the tenth and eleventh lines.**

11. **Subsection 85 (10) of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is amended by striking out "and section 4 of the**

Provincial Parks Municipal Tax Assistance Act" in the tenth and eleventh lines.

12. Subsection 71 (11) of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by striking out "and section 4 of the *Provincial Parks Municipal Tax Assistance Act*" in the tenth and eleventh lines.

13. Subsection 118 (11) of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is amended by striking out "and section 4 of the *Provincial Parks Municipal Tax Assistance Act*" in the tenth and eleventh lines.

14. Subsection 74 (10) of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is amended by striking out "section 4 of the *Provincial Parks Municipal Tax Assistance Act*" in the tenth and eleventh lines.

15. Subsection 86 (10) of the *County of Oxford Act*, being chapter 365 of the Revised Statutes of Ontario, 1980, is amended by striking out "and section 4 of the *Provincial Parks Municipal Tax Assistance Act*" in the tenth and eleventh lines.

16. Clause 3 (2) (b) of the *County of Haliburton Act, 1982*, being chapter 57, is amended by striking out "*Provincial Parks Municipal Tax Assistance Act*" in the first and second lines and inserting in lieu thereof "*Municipal Tax Assistance Act*".

17. The Schedule to the *Ministry of Municipal Affairs and Housing Act, 1981*, being chapter 19, is amended by striking out "*Provincial Parks Municipal Tax Assistance Act*".

18.—(1) Subsection 160 (7) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Sub-subclause F of subclause 365 (1) (j) (ii) of the said Act is repealed and the following substituted therefor:

R.S.O. 1980, c. 485

F. section 14a of the *St. Clair Parkway Commission Act*,

R.S.O. 1980, c. 486

G. section 12a of the *St. Lawrence Parks Commission Act*.

19. The *Provincial Parks Municipal Tax Assistance Act*, being chapter 402 of the Revised Statutes of Ontario, 1980, is repealed.

20. This Act shall be deemed to have come into force on the 1st day of January, 1984. Commencement

21. The short title of this Act is the *Municipal Payments in Lieu of Taxes Statute Law Amendment Act, 1984*. Short title

CHAPTER 46

An Act to amend the Regional Municipality of Haldimand-Norfolk Act

Assented to November 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following Part:

PART III-A

HYDRO-ELECTRIC SERVICES

Interpretation

50a. In this Part,

(a) "accumulated net retail equity" means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

(b) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area immediately before the coming into force of this Part and established or deemed to be established under Part III of the *Public Utilities Act*; R.S.O. 1980, c. 423

(c) "new commission" means a commission established by section 50b;

(d) "power" means electrical power and includes electrical energy;

(e) "regulations" means the regulations made under this Part;

(f) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commissions established

50b.—(1) On the day this Part comes into force, a hydro-electric commission for each of the Township of Delhi, the Town of Dunnville, the Town of Haldimand, the City of Nanticoke, the Township of Norfolk and the Town of Simcoe is hereby established.

Application of R.S.O. 1980, cc. 423, 384

(2) Each commission established by subsection (1) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

Names of commissions

(3) Each commission established by subsection (1) shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Delhi Hydro-Electric Commission.
2. Dunnville Hydro-Electric Commission.
3. Haldimand Hydro-Electric Commission.
4. Nanticoke Hydro-Electric Commission.
5. Norfolk Hydro-Electric Commission.
6. Simcoe Hydro-Electric Commission.

Composition

R.S.O. 1980, c. 308

(4) Each commission established by subsection (1) shall consist of the mayor of the area municipality in respect of which the commission is established and additional members who are qualified electors under the *Municipal Elections Act* in the area municipality and who are served by the new commission on the date of their election or appointment to the new commission.

When area municipality may determine size of commission

(5) Except as otherwise provided in this Part, the council of each area municipality shall determine by by-law whether the number of additional members of the new commission in respect of the area municipality shall be two or four.

First commission, Delhi

(6) For the term expiring with the 30th day of November, 1985, the Delhi Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Township of Delhi and four members of the Delhi Public Utilities Commission as it existed immediately before the coming into force of this Part, who shall be appointed by the council of the Township.

First commission, Dunnville

(7) For the term expiring with the 30th day of November, 1985, the Dunnville Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Town of Dunnville and four members of the Dunnville Public Utilities Commission as it existed immediately before the coming into force of this Part, who shall be appointed by the council of the Town.

First commission, Haldimand

(8) For the term expiring with the 30th day of November, 1985, the Haldimand Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Town of Haldimand and six additional members who shall be appointed by the council of the Town, with two of the additional members drawn from the membership as it existed immediately before the coming into force of this Part, of each municipal commission within the area municipality.

First commission, Nanticoke

(9) For the term expiring with the 30th day of November, 1985, the Nanticoke Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the City of Nanticoke and six additional members who shall be appointed by the council of the City, with two of the additional members drawn from the membership as it existed immediately before the coming into force of this Part, of each municipal commission within the area municipality.

First commission, Norfolk

(10) For the term expiring with the 30th day of November, 1985, the Norfolk Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Township of Norfolk and four members of the Port Rowan Public Utilities Commission as it existed immediately before the coming into force of this Part, who shall be appointed by the council of the Township.

First commission, Simcoe

(11) For the term expiring with the 30th day of November, 1985, the Simcoe Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Town of Simcoe, three members of the Simcoe Public Utilities Commission as it existed immediately before the coming into force of this Part, who shall be appointed by the council of the Town and one person who resides outside the part of the Town of Simcoe supplied with power by Simcoe Public Utilities Commis-

sion immediately before the coming into force of this Part who shall be appointed by the council of the Town.

Additional members of first commission

(12) Where this section provides that one or more members of a municipal commission are to be additional members for a term specified by this section and the number of such members who meet the qualifications in subsection (4) is less than the required number of additional members, the council of the area municipality in respect of which the commission was established under subsection (1) shall appoint an additional member or additional members so that there will be the required number of additional members of the new commission.

Additional members of subsequent commissions

(13) For terms commencing after the 30th day of November, 1985, the additional members of each new commission shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1985 the council of the area municipality provides by by-law that the additional members shall be elected by a general vote of those electors of the area municipality who reside within or are owners or tenants of land within the area served by the commission or that the additional members shall be appointed by the council.

Eligibility of members of council

(14) Members of the council of the area municipality served by a new commission may be members of the new commission, but the members of the council shall not form a majority of the new commission.

Term of office

(15) Subject to subsections (6) to (11), a member of a commission established by subsection (1) shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(16) The council of an area municipality served by a new commission may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Salary of first commissions

(17) The salaries of the members of the new commissions for the term expiring with the 30th day of November, 1985 shall be fixed on or before the 1st day of January, 1985 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area on the 1st day of January, 1984.

Resignations

(18) A resignation from the council of an area municipality of a member of the council who is a member of a new com-

mission shall be deemed to be a resignation from both the council and the new commission.

Powers of commissions

R.S.O. 1980, c. 423

50c.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the *Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1985, be exercised on behalf of each area municipality by the new commission established in respect of the area municipality and not by the council of any municipality or any other person.

Right to distribute and supply power

(2) On and after the 1st day of January, 1985, each new commission has the sole right to distribute and supply power within the area municipality in respect of which the new commission is established.

Exception to right to distribute and supply power

R.S.O.1980, c. 384

(3) The right of a new commission to distribute and supply power is subject to any subsisting contracts for the supply of power made under section 69 of the *Power Corporation Act*.

Contract with Ontario Hydro

(4) A new commission may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the new commission of power to be distributed and sold in the area municipality served by the new commission.

Idem

R.S.O. 1980, c. 302

(5) A contract under subsection (4) shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

Application of R.S.O. 1980, c. 384

(6) Except where inconsistent with the provisions of this Act, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the new commissions.

Direct customers

(7) With the consent of a new commission, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the new commission is established.

Supply of power in all areas of municipalities, except Town of Simcoe

50d.—(1) The council of each area municipality except the Town of Simcoe, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law,

(a) may direct the new commission established in respect of the area municipality to commence on a day specified by the by-law the distribution and sup-

ply of power in all of the area municipality and on the specified day sections 50g, 50h and 50k shall apply with necessary modifications to the assets and employees of Ontario Hydro in the area municipality; or

(b) may dissolve the new commission established in respect of the area municipality on a day specified by the by-law and, on the specified day,

(i) all assets under the control and management of and all liabilities of the new commission, and all debentures issued in respect of the distribution and supply of power in the area municipality are, without compensation, assets and liabilities of Ontario Hydro, and

(ii) Ontario Hydro shall commence to distribute and supply power in all of the area municipality.

Review of distribution and supply of power

(2) Until such time as the power conferred by subsection (1) has been exercised,

(a) the council of each area municipality except the Town of Simcoe shall review the distribution and supply of power within the area municipality at least once in every five years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by clause (1) (a); and

(b) where the council of an area municipality determines as provided in clause (a) that it is financially feasible for the new commission established in respect of the municipality to distribute and supply power in the entire municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by clause (1) (a).

Where Ontario Hydro to distribute and supply power

50e.—(1) Ontario Hydro shall continue to distribute and supply power in those parts of each area municipality, other than the Town of Simcoe, that Ontario Hydro served immediately before the coming into force of this Part.

Termination of duty to distribute and supply power

(2) The duty of Ontario Hydro under subsection (1) to distribute and supply power in an area municipality is terminated,

(a) on the date specified in a by-law passed with the consent of Ontario Hydro by the council of the area municipality under clause 50d(1) (a); and

(b) on the 31st day of December, 1984 in the Town of Simcoe.

Assets and employees

(3) Except as provided in clauses (2) (b) and (c), sections 50g, 50h and 50k do not apply in respect of the assets and employees of Ontario Hydro in an area municipality until the passing of the by-law mentioned in subsection (2).

Transfer of assets and liabilities

50f. On the 1st day of January, 1985, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the new commission established in respect of the area municipality.

Purchase of retail distribution facilities from Ontario Hydro

50g.—(1) On or before the date on which a commission is required by subsection (2) or by by-law under section 50d to commence to distribute and supply power, the commission shall purchase on behalf of the area municipality served by the commission, and Ontario Hydro shall sell to the commission, the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the area municipality.

Idem

(2) On or before the 31st day of March, 1985, the Simcoe Hydro-Electric Commission established by section 50b shall purchase on behalf of The Corporation of the Town of Simcoe, and Ontario Hydro shall sell to the commission, the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the Town of Simcoe.

Leased equipment

(3) The purchases mentioned in subsections (1) and (2) shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.

Purchase price

(4) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets.

Where price to be determined by arbitration

50h.—(1) If the purchase price for the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in an area municipality is not determined within one year after the date on which the new commission serving the area municipality is required by by-law under this Part to commence to distribute and supply power in the area municipality or, in respect of the Town of Simcoe, before the 31st day of December, 1985, the appropriate new commission or Ontario Hydro at any time thereafter may request that the purchase price be determined by a single arbitrator agreed on by the commission and Ontario Hydro.

Application of R.S.O. 1980, c. 25

(2) The *Arbitrations Act* applies where a request is made under subsection (1).

Vesting of real property

50i.—(1) All real property transferred by this Part to the control and management of a new commission or otherwise acquired by or for the new commission shall be held by the new commission in trust for the area municipality served by the new commission.

Disposition of real property

(2) Where a new commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the new commission and the area municipality served by the new commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the new commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the new commission for the real property at its actual cost, less accrued depreciation as shown on the books of the new commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.

2. In the event that the municipality served by the new commission does not wish to use the real property in accordance with paragraph 1, the new commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposi-

tion of the real property or the compensation paid therefor under this subsection shall be received by the new commission and shall be applied in accordance with the *Public Utilities Act*. R.S.O. 1980, c. 423

Borrowing

50j. Except as otherwise provided in this Part, sections 87 to 110 apply with necessary modifications to any borrowing for the purposes of a new commission.

Interpretation

50k.—(1) In this section, "transfer date", in relation to an employee of a municipal commission or Ontario Hydro, means the date on which a commission established by or under this Part assumes liability for payment of the wages or salary of the employee.

Transfer of employees

(2) On or before the 31st day of December, 1984, each municipal commission shall designate those current employees of the municipal commission employed by the municipal commission in the distribution and supply of power for at least twelve months, and each new commission shall offer employment to the employees designated in respect of the area municipality served by the new commission.

Ontario Hydro

(3) On or before the 31st day of March, 1984, Ontario Hydro shall designate those of its current employees who were employed in the distribution and supply of power in the Town of Simcoe for at least the preceding twelve months, and the Simcoe Hydro-Electric Commission established by section 50b shall offer employment to the employees so designated.

Wages or salaries

(4) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary the person was receiving on the day nine months before the transfer date.

Participation in O.M.E.R.S.

(5) Each new commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on the person's transfer date, and the *Ontario Municipal Employees Retirement System Act* applies to the person as a member of the System. R.S.O. 1980, c. 348

Supplementary agreements

(6) When a person who accepts employment under this section with a new commission is entitled immediately before the person's transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and the municipal commission that designated the per-

son under subsection (2), the new commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the new commission had been a party to the agreement in the place of the municipal commission.

Transfer of pension credits from Ontario Hydro Plan

(7) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before the person's transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension guarantee

(8) Notwithstanding subsection (5), a person who accepts employment under this section with a new commission and who,

(a) was employed by Ontario Hydro immediately before the person's transfer date; and

(b) continues in the employment of a municipal hydro-electric commission until the person or the beneficiary of the person becomes entitled to a pension benefit,

is entitled to at least the pension benefit the person would have been entitled to under The Ontario Hydro Pension and Insurance Plan if the person's years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1984, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (5) shall be apportioned and paid by the body and in the manner provided by the regulations.

Group life insurance

(9) A person who accepts employment under this section is entitled as a term of the person's employment to continue as a member of the group life insurance plan in which the person was a member with the person's former employer until the

effective date of a common group life insurance plan covering all eligible employees of the person's new employer.

Idem

(10) On or before the 31st day of December, 1985, each new commission shall provide a common group life insurance plan covering all of the eligible employees of the new commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before the person's transfer date.

Sick leave

(11) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by the former employer of the person immediately before the person's transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

Life insurance provided to pensioners

(12) Each new commission shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the new commission.

Termination for cause

(13) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

Special circumstances

(14) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.

Dissolution of existing commissions

501. For the purposes of section 131, the 1st day of January, 1985 is the date determined by the Minister in respect of all areas within the Regional Area and on that date the municipal commissions supplying only electrical power and energy in all areas within the Regional Area immediately before the coming into force of this Part are dissolved and any by-laws establishing them passed under sections 37 and 39 of the *Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required.

R.S.O. 1980, c. 423

Regulations

50m. The Lieutenant Governor in Council may make regulations,

(a) for the purpose of subsection 50g (4) in respect of,

(i) the method of determining the original cost of the assets or of any asset or of any part of any asset,

(ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,

(iii) the method of determining the amount of any component of the accumulated net retail equity,

(iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,

(v) the method of calculating accumulated depreciation of any component of accumulated depreciation,

(vi) the allocation of accumulated depreciation or any component of accumulated depreciation,

(vii) the method of payment of the price of the assets;

(b) for the purposes of subsection 50k (8) in respect of the apportionment and payment of the excess cost of any benefit referred to in that subsection.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Regional Municipality of Haldimand-Norfolk Amendment Act, 1984*.

CHAPTER 47

An Act to amend the Regional Municipality of Sudbury Act

Assented to November 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following Part:

PART IV-A

HYDRO-ELECTRIC SERVICES

Interpretation

26a. In this Part,

(a) "accumulated net retail equity" means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

(b) "municipal commission" means a hydro-electric commission or public utilities commission, other than the Sudbury Hydro-Electric Commission, entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area immediately before the coming into force of this Part and established or deemed to be established under Part III of the *Public Utilities Act*; R.S.O. 1980, c. 423

(c) "new commission" means a commission established by section 26b;

(d) "power" means electrical power and includes electrical energy;

(e) "regulations" means the regulations made under this Part;

(f) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commissions established

26b.—(1) On the day this Part comes into force, a hydro-electric commission for each of the towns of Capreol and Nickel Centre is hereby established.

Application of R.S.O. 1980, cc. 423, 384

(2) Each commission established by subsection (1) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

Names of commissions

(3) Each commission established by subsection (1) shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Capreol Hydro-Electric Commission.

2. Nickel Centre Hydro-Electric Commission.

Composition

(4) Each commission established by subsection (1) shall consist of the mayor of the area municipality in respect of which the commission is established and additional members who are qualified electors under the *Municipal Elections Act* in the area municipality and who are served by a new commission on the date of their election or appointment to the new commission.

R.S.O. 1980, c. 308

When area municipality may determine size of commission

(5) Except as otherwise provided in this Part, the council of each area municipality shall determine by by-law whether the number of additional members of the commission established by subsection (1) in respect of the area municipality shall be two or four.

First commission, Capreol

(6) For the term expiring with the 30th day of November, 1985, the Capreol Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Town of Capreol and two additional members residing in the Town of Capreol, who were members of the Capreol Hydro-Electric Commission as it existed immediately before the coming into force of this Part, who shall be appointed by the council of the Town.

First commission, Nickel Centre

(7) For the term expiring with the 30th day of November, 1985, the Nickel Centre Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Town of Nickel Centre and two additional members residing in the Town of Nickel Centre, who were members of the Coniston Hydro-Electric Commission as it existed immediately before the coming into force of this Part, who shall be appointed by the council of the Town.

Additional members of first commissions

(8) Where this section provides that one or more members of a municipal commission are to be additional members for a term specified by this section and the number of such members who meet the qualifications in subsection (4) is less than the required number of additional members, the council of the area municipality in respect of which the commission was established under subsection (1) shall appoint an additional member or additional members so that there will be the required number of additional members of the new commission.

Additional members of subsequent commissions

(9) For terms commencing after the 30th day of November, 1985, the additional members of each new commission shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1985 the council of the area municipality provides by by-law that the additional members shall be elected by a general vote of those electors of the area municipality who reside within or are owners or tenants of land within the area served by the commission or that the additional members shall be appointed by the council.

Eligibility of members of council

(10) Members of the council of the area municipality served by a new commission may be members of the new commission, but the members of the council shall not form a majority of the new commission.

Term of office

(11) Subject to subsections (6) and (7), a member of a new commission shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(12) The council of an area municipality served by a new commission may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Salary of first commissions

(13) The salaries of the members of the new commissions for the term expiring with the 30th day of November, 1985 shall be fixed on or before the 1st day of January, 1985 in an amount that does not exceed the highest salary paid to mem-

bers of the municipal commissions operating in the Regional Area on the 1st day of July, 1984.

Resignations

(14) A resignation from the council of an area municipality of a member of the council who is a member of a new commission shall be deemed to be a resignation from both the council and the new commission.

Interpretation

26c.—(1) In this section, "Town" means the municipality or corporation of the Town of Onaping Falls or the Town of Walden, as the case requires.

Commission to serve part of Town

(2) Where the Town purchases the assets used by a person to supply power in an area of the Town, the council of the Town shall establish by by-law the commission for the Town provided for in section 26e.

Area to be served

(3) The commission mentioned in subsection (2) shall distribute and supply power only in the area of the Town supplied with power by the person from whom the Town purchased the assets.

Commencement

(4) The commission shall commence to distribute and supply power in the area on the date that shall be specified by the council in the by-law.

Consent

(5) A by-law under subsection (2) does not require the consent of Ontario Hydro.

Extension of area

(6) Where the council of the Town establishes the commission mentioned in subsection (2), subsections 26f (1) and (2) apply with necessary modifications to the Town and to the commission and, for the purpose,

(a) a reference to the council shall be deemed to be a reference to the council of the Town;

(b) a reference to the new commission shall be deemed to be a reference to the commission mentioned in subsection (2); and

(c) a reference to the area municipality shall be deemed to be a reference to the Town.

Powers of commissions

R.S.O. 1980, c. 423

26d.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the *Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1985, be exercised on behalf of each area municipality by the new com-

mission established in respect of the area municipality and not by the council of any municipality or any other person.

Right to distribute and supply power

(2) On and after the 1st day of January, 1985, each new commission has the sole right to distribute and supply power within the area municipality in respect of which the new commission is established.

Exception to right to distribute and supply power

(3) The right of a new commission to distribute and supply power,

(a) is subject to any subsisting contracts for the supply of power made under section 69 of the *Power Corporation Act*; and

R.S.O. 1980, c. 384

(b) is subject to the rights of Ontario Hydro or any other person or body other than a municipal commission that is supplying power in the area served by the new commission on the 31st day of December, 1984.

Contract with Ontario Hydro

(4) A new commission may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the new commission of power to be distributed and sold in the area municipality served by the new commission.

Idem

(5) A contract under subsection (4) shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

R.S.O. 1980, c. 302

Application of R.S.O. 1980, c. 384

(6) Except where inconsistent with the provisions of this Act, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the new commissions.

Direct customers

(7) With the consent of a new commission, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the new commission is established.

Establishment of commission by by-law in Onaping Falls, Rayside-Balfour, Valley East and Walden

26e.—(1) The council of each of the Town of Onaping Falls, the Town of Rayside-Balfour, the Town of Valley East and the Town of Walden, with the consent of Ontario Hydro, may establish by by-law a hydro-electric commission for the town and, commencing on the date that the council shall specify in the by-law, the commission shall distribute and supply power in all of the town.

Rights of existing suppliers

(2) The duty of a commission established under subsection (1) is subject to the rights of any person or body other than Ontario Hydro that is supplying power in the area served by the commission on the date that the commission commences to distribute and supply power.

Names of commissions

(3) A commission established under subsection (1) shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Onaping Falls Hydro-Electric Commission.

2. Rayside-Balfour Hydro-Electric Commission.

3. Valley East Hydro-Electric Commission.

4. Walden Hydro-Electric Commission.

Composition

(4) A commission established under subsection (1),

(a) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*; and

R.S.O. 1980, cc. 423, 384

(b) shall consist of the mayor of the area municipality in respect of which the commission is established and additional members who are qualified electors under the *Municipal Elections Act* in the area municipality.

R.S.O. 1980, c. 308

First additional members

(5) The council of an area municipality in respect of which a commission is established under subsection (1) shall appoint the first additional members of the commission.

Subsequent additional members

(6) For terms after the first term, the additional members of a commission established under subsection (1) in respect of an area municipality shall be elected by a general vote of the electors of the area municipality unless, before the completion of the first term of office of the members of the commission, the council of the area municipality provides by by-law that the additional members shall be elected by a general vote of those electors of the area municipality who reside within or are owners or tenants of land within the area served by the commission or that the additional members shall be appointed by the council.

Application of other sections of Act

(7) Upon the establishment of a commission under subsection (1),

(a) subsections 26b (5), (10), (11), (12) and (14), section 26d, subsection 26g (2) and sections 26i to 26m shall apply with necessary modifications and, for the purpose, the dates mentioned therein shall be deemed to be the dates that shall be specified in the by-law mentioned in subsection (1); and

(b) the commission, for the purposes of clause (a), shall be deemed to be a commission established by section 26b.

Review of distribution and supply of power

(8) Until such time as the power conferred by subsection (1) has been exercised,

(a) the council of each of the Town of Onaping Falls, the Town of Rayside-Balfour, the Town of Valley East and the Town of Walden shall review the distribution and supply of power within the area municipality at least once in every five years, and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection (1); and

(b) where the council determines as provided in clause (a) that it is financially feasible, the council shall exercise the power conferred by subsection (1).

Supply of power in all areas of municipalities of Capreol, Nickel Centre

26f.—(1) The council of each of the Town of Capreol and the Town of Nickel Centre, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law,

(a) may direct the new commission established in respect of the area municipality to commence on a day specified by the by-law the distribution and supply of power in all of the area municipality and on the specified day sections 26i and 26m shall apply with necessary modifications to the assets and employees of Ontario Hydro in the area municipality; or

(b) may dissolve the new commission established in respect of the area municipality on a day specified by the by-law and, on the specified day,

(i) all assets under the control and management of and all liabilities of the new commission, and all debentures issued in respect of the distribution and supply of power in the area

municipality are, without compensation, assets and liabilities of Ontario Hydro, and

(ii) Ontario Hydro shall commence to distribute and supply power in all of the area municipality.

Review of distribution and supply of power

(2) Until such time as the power conferred by subsection (1) has been exercised,

(a) the council of each of the Town of Capreol and the Town of Nickel Centre shall review the distribution and supply of power within their respective municipalities at least once in every five years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by clause (1) (a); and

(b) where the council of the Town of Capreol or the Town of Nickel Centre determines as provided in clause (a) that it is financially feasible for the new commission established in respect of the municipality to distribute and supply power in the entire municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by clause (1) (a).

Rights of existing suppliers

(3) The duty of a new commission under subsection (1) is subject to the rights of any person or body other than Ontario Hydro or a municipal commission that is supplying power in the Town of Nickel Centre on the day immediately before the day specified by the by-law mentioned in subsection (1).

Where Ontario Hydro to distribute and supply power

26g.—(1) Ontario Hydro shall continue to distribute and supply power in those areas of the Town of Capreol, the Town of Nickel Centre, the Town of Onaping Falls, the Town of Rayside-Balfour, the Town of Valley East and the Town of Walden that Ontario Hydro served immediately before the coming into force of this Part.

Termination of duty to distribute and supply power

(2) The duty of Ontario Hydro under subsection (1) to distribute and supply power in an area municipality is terminated, on the date specified in the by-law, by a by-law passed with the consent of Ontario Hydro by the council of the area municipality under subsection 26e (1) or clause 26f (1) (a).

Assets and employees

(3) Sections 26i, 26j and 26m do not apply in respect of the assets and employees of Ontario Hydro in an area municipality until the passing of the by-law referred to in subsection (2).

Transfer of assets and liabilities

26h. On the 1st day of January, 1985, all assets under the control and management of and all liabilities of the municipal commissions in each of the Town of Capreol and the Town of Nickel Centre are, without compensation, assets under the control and management of and liabilities of the new commission established in respect of the area municipality.

Purchase of retail distribution facilities from Ontario Hydro

26i.—(1) On or before the date on which a commission is required by by-law under section 26e or 26f to commence to distribute and supply power, the commission shall purchase on behalf of the area municipality served by the commission, and Ontario Hydro shall sell to the commission, the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the area municipality.

Leased equipment

(2) The purchases mentioned in subsection (1) shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.

Purchase price

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets.

Where price to be determined by arbitration

26j.—(1) If the purchase price for the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in an area municipality is not determined within one year after the date on which the commission serving the area municipality is required by by-law under this Part to commence to distribute and supply power in the area municipality, the commission or Ontario Hydro at any time thereafter may request that the purchase price be determined by a single arbitrator agreed on by the commission and Ontario Hydro.

Application of R.S.O. 1980, c. 25

(2) The *Arbitrations Act* applies where a request is made under subsection (1).

Vesting of real property

26k.—(1) All real property transferred by this Part to the control and management of a new commission or otherwise acquired by or for the new commission shall be held by the new commission in trust for the area municipality served by the new commission.

Disposition of real property

(2) Where a new commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the new commission and the area municipality served by the new commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the new commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the new commission for the real property at its actual cost, less accrued depreciation as shown on the books of the new commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.

2. In the event that the municipality served by the new commission does not wish to use the real property in accordance with paragraph 1, the new commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the new commission and shall be applied in accordance with the *Public Utilities Act*.

R.S.O. 1980, c. 423

Borrowing

26l. Except as otherwise provided in this Part, sections 80 to 102 apply with necessary modifications to any borrowing for the purposes of a new commission.

Interpretation

26m.—(1) In this section, "transfer date", in relation to an employee of a municipal commission or Ontario Hydro, means the date on which a commission established by or under this Part assumes liability for payment of the wages or salary of the employee.

Transfer of employees

(2) On or before the 31st day of December, 1984, each municipal commission that supplied power in the Town of Capreol or the Town of Nickel Centre immediately before the coming into force of this Part shall designate those current employees of the municipal commission employed by the municipal commission in the distribution and supply of power for at least twelve months, and each new commission shall

offer employment to the employees designated in respect of the area municipality served by the new commission.

Ontario Hydro

(3) On or before the date specified in a by-law mentioned in subsection 26g (2), Ontario Hydro shall designate those of its current employees employed in the distribution and supply of power in the area municipality to which the by-law relates for at least twelve months, and the new commission to which the by-law relates shall offer employment to the employees so designated.

Wages or salaries

(4) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary the person was receiving on the day nine months before the transfer date.

Participation in O.M.E.R.S.

(5) Each new commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on the person's transfer date, and the *Ontario Municipal Employees Retirement System Act* applies to the person as a member of the System.

R.S.O. 1980, c. 348

Supplementary agreements

(6) When a person who accepts employment under this section with a new commission is entitled immediately before the person's transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and the municipal commission that designated the person under subsection (2), the new commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the new commission had been a party to the agreement in the place of the municipal commission.

Transfer of pension credits from Ontario Hydro Plan

(7) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before the person's transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension guarantee

(8) Notwithstanding subsection (5), a person who accepts employment under this section with a new commission and who,

(a) was employed by Ontario Hydro immediately before the person's transfer date; and

(b) continues in the employment of a municipal hydro-electric commission until the person or the beneficiary of the person becomes entitled to a pension benefit,

is entitled to at least the pension benefit the person would have been entitled to under The Ontario Hydro Pension and Insurance Plan if the person's years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the transfer date, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (5) shall be apportioned and paid by the body and in the manner provided by the regulations.

Group life insurance

(9) A person who accepts employment under this section is entitled as a term of the person's employment to continue as a member of the group life insurance plan in which the person was a member with the person's former employer until the effective date of a common group life insurance plan covering all eligible employees of the person's new employer.

Idem

(10) On or before the 31st day of December, 1985, each new commission shall provide a common group life insurance plan covering all of the eligible employees of the new commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before the person's transfer date.

Sick leave

(11) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by the former employer of the person immediately before the person's transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

(12) Each new commission shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the new commission. Life insurance provided to pensioners

(13) Nothing in this section prevents an employer from terminating the employment of an employee for cause. Termination for cause

(14) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. Special circumstances

26n.—(1) For the purposes of section 120, the 1st day of January, 1985 is the date determined by the Minister in respect of all areas within the Regional Area and on that date the municipal commissions supplying only electrical power and energy in all areas within the Regional Area immediately before the coming into force of this Part are dissolved and any by-laws establishing them passed under sections 37 and 39 of the *Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. Dissolution of existing commissions R.S.O. 1980, c. 423

(2) Subsection (1) does not apply to the City of Sudbury or to the Sudbury Hydro-Electric Commission. Exception

26o. The Lieutenant Governor in Council may make regulations, Regulations

(a) for the purpose of subsection 26i (3) in respect of,

(i) the method of determining the original cost of the assets or of any asset or of any part of any asset,

(ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,

(iii) the method of determining the amount of any component of the accumulated net retail equity,

(iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,

(v) the method of calculating accumulated depreciation of any component of accumulated depreciation,

(vi) the allocation of accumulated depreciation or any component of accumulated depreciation,

(vii) the method of payment of the price of the assets;

(b) for the purposes of subsection 26m (7) in respect of the apportionment and payment of the excess cost of any benefit referred to in the subsection.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Regional Municipality of Sudbury Amendment Act, 1984*.

CHAPTER 48

An Act respecting the Sale of Lands for Arrears of Municipal Taxes

Assented to November 27th, 1984

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(a) "cancellation price" means an amount equal to all the tax arrears owing at any time in respect of land together with all current real property taxes owing, interest and penalties thereon and all reasonable costs incurred by the municipality, after the treasurer becomes entitled to register a tax arrears certificate under section 3, in proceeding under this Act or in contemplation of proceeding under this Act and, without restricting the generality of the foregoing, may include,

(i) legal fees and disbursements,

(ii) the costs of preparing an extension agreement entered into under section 8,

(iii) the costs of preparing a survey where such is required to register any document under this Act, and

(iv) a reasonable allowance for costs that may be incurred subsequent to advertising under section 9;

1984, c. 11

(b) "District Court" means, until the *Courts of Justice Act, 1984* comes into force, the county or district court for the jurisdiction in which the land that is subject to proceedings under this Act is located and thereafter means the District Court sitting in the county or district in which the land is located;

(c) "improved land" means a parcel of land separately assessed that has a building thereon, and includes any land in actual use for agricultural purposes, although there is no building thereon;

(d) "municipality" means the corporation of a city, town, village, township or improvement district;

(e) "notice of vesting" means a notice of vesting prepared under subsection 9 (3) and includes the title conferred by the registration of the notice of vesting;

(f) "prescribed" means prescribed by the regulations made under this Act;

(g) "public sale" means a sale either by public auction or public tender conducted in accordance with this Act and the prescribed rules;

R.S.O. 1980, cc. 302, 129, 359, 250, 126, 500, 471

(h) "real property taxes" means the amount of taxes levied on real property under the *Municipal Act*, the *Education Act* and the *Ontario Unconditional Grants Act*, and any amounts owed under the *Local Improvement Act*, the *Drainage Act*, the *Tile Drainage Act* and the *Shoreline Property Assistance Act* with respect to the real property and includes any amounts deemed to be taxes on real property by or under any other general or special Act;

(i) "register" means register in the proper land registry office and "registered" and "registration" have a corresponding meaning;

(j) "tax arrears" means any real property taxes placed on or added to a collector's roll that remain unpaid on the 1st day of January in the year following that in which they were placed on or added to the roll;

(k) "tax arrears certificate" means a tax arrears certificate prepared under section 3;

(l) "tax deed" means a tax deed prepared under subsection 9 (3) and includes the title conferred by the registration of the tax deed;

(m) "treasurer" means the treasurer of the municipality to which the tax arrears are owed;

(n) "vacant land" means a parcel of land separately assessed that has no building thereon, but does not include any improved land.

Application to tax sales under R.S.O. 1980, c. 129

(2) Where, under the *Education Act*, an officer or collector has the powers and duties of a treasurer and the board has the powers and duties of the council of a municipality, this Act and the regulations made under this Act apply to tax arrears and to every sale of land for tax arrears owed to the board.

Register of title, abstract index

(3) For the purposes of this Act,

(a) "register of title" and "abstract index" include an instrument received for registration before the closing of the land registry office on the day the tax arrears certificate was registered notwithstanding that the instrument has not been abstracted or entered in the register or index at that time;

(b) "index of executions" and "index of writs received for execution" include a warrant or other process or a certificate of lien that is filed with the sheriff and recorded in the index of executions under the *Land Titles Act* or in the index of writs received for execution by the sheriff, as the case may be.

R.S.O. 1980, c. 230

Administration

2. The Minister of Municipal Affairs and Housing is responsible for the administration of this Act.

Registration of tax arrears certificate

3.—(1) Where any part of tax arrears is owing with respect to,

(a) any improved land in a municipality on the 1st day of January in the third year following that in which the real property taxes become owing; or

(b) any vacant land in a municipality on the 1st day of January in the second year following that in which the real property taxes become owing,

the treasurer, unless otherwise directed by the municipal council, may prepare and register a tax arrears certificate in the prescribed form against the title to the land with respect to which the tax arrears are owing.

Form

(2) A tax arrears certificate shall indicate that the land described in the certificate will be sold by public sale if the cancellation price is not paid within one year following the date of the registration of the tax arrears certificate.

Escheated land
1982, c. 4
R.S.O. 1980, c. 95

(3) This section does not apply to land that is vested in the Crown because of an escheat or forfeiture under the *Business Corporations Act, 1982* or the *Corporations Act* or any predecessor of those Acts before the registration of a tax arrears certificate, but where land escheats or becomes forfeited under either of those Acts to the Crown after the registration of the tax arrears certificate, the tax arrears certificate continues to have effect and the land may be sold under this Act for tax arrears.

What lands certificate may embrace

(4) A tax arrears certificate in respect of improved land shall not embrace more than one such property or any vacant land that is a separate parcel, and a tax arrears certificate in respect of vacant land shall not embrace lots according to more than one registered plan or any improved land.

Notice of registration

4.—(1) Within sixty days of the registration of a tax arrears certificate, the treasurer shall send or cause to be sent a notice in the prescribed form of the registration of the certificate to the following persons:

1. The assessed owner of the land.

2. In the case of improved land, the assessed tenants in occupation of the land.

R.S.O. 1980, c. 230

3. Where the land is registered under the *Land Titles Act*, every person appearing by the register of title and by the index of executions to have an interest in the land as of the time of closing of the land registry office on the day the tax arrears certificate was reg-

istered other than a person who has an interest referred to in clause 9 (5) (a) or (b).

4. Where the *Registry Act* applies to the land, every person appearing by the abstract index and by the index of writs received for execution by the sheriff of the county or district in which the land is situate to have an interest in the land as of the time of closing of the land registry office on the day the tax arrears certificate was registered other than a person who has an interest referred to in clause 9 (5) (a) or (b). R.S.O. 1980, c. 445

Spouse of owner

(2) Where a notice is sent under this section to a person appearing by the records of the land registry office to be the owner of the land or to a person who is an assessed tenant in occupation of the land, a notice shall also be sent to the spouse of such person and, where this subsection is complied with, section 43 of the *Family Law Reform Act* shall be deemed to have been complied with. R.S.O. 1980, c. 152

Corporations

(3) Where a notice has been sent under subsection (1) to a corporation, the treasurer shall, within the time limit in subsection (1), send a copy of the notice to the Public Trustee.

Statutory declaration

(4) The treasurer, forthwith after complying with subsections (1) to (3), shall make and register a statutory declaration in the prescribed form stating the names and addresses of the persons to whom notice was sent.

Limitation

(5) A person is not entitled to notice under this section if,

(a) after a reasonable search of the records mentioned in subsection 11 (1), the treasurer is unable to find the person's address and the treasurer is not otherwise aware of the address; or

(b) the person has expressly waived the right to notice, either before or after the notice should have been sent.

Cancellation of tax arrears certificate

5.—(1) Before the expiry of the one-year period mentioned in subsection 9 (1), any person may have the tax arrears certificate cancelled by paying to the municipality the cancellation price as of the date the payment is tendered and after the expiry of the one-year period the land shall be sold or vested in the municipality in accordance with section 9.

Cancellation certificate

(2) Where payment has been made under subsection (1), the treasurer shall forthwith register a tax arrears cancellation certificate in the prescribed form.

Lien

(3) If the cancellation price is paid by a person entitled to receive notice under subsection 4 (1) or an assignee of any such person, other than the owner of the land or the spouse of the owner, the person has a lien on the land concerned for the amount paid.

Priority of lien

(4) A lien under subsection (3) has priority over the interest in the land of any person to whom notice was sent under section 4.

Contents of certificate

(5) Where there is a lien under subsection (3), the tax arrears cancellation certificate shall state that the person named therein has a lien on the land.

Accounting for cancellation price

6.—(1) Except where the cancellation price has been determined in accordance with a by-law passed under section 15, a person who pays the cancellation price before the expiry of the one-year period mentioned in subsection 9 (1), by a written request made within thirty days after making the payment, may require the treasurer to provide an itemized breakdown of the calculation of the cancellation price that has been paid.

Idem

(2) Where the treasurer fails to provide the itemized breakdown of the calculation within thirty days of the request or where the person who made the request is of the opinion that the cancellation price so calculated has not been calculated properly or that the costs included in the cancellation price by the municipality as costs incurred in proceeding under this Act are unreasonable, the person who made the request may apply to the District Court for an accounting of the cancellation price.

Idem

(3) Upon an application for an accounting under subsection (2), the court shall determine the matter and, if the court determines that the cancellation price was not calculated properly or the costs included in the cancellation price are unreasonable, it may make an order setting a cancellation price which is proper and reasonable but no such order shall relieve a taxpayer of any liability to pay any validly imposed real property taxes.

Effect of tax arrears cancellation certificate

7. Unless otherwise shown in the tax arrears cancellation certificate, the certificate, when registered, is conclusive proof of the payment of the cancellation price as of the date set out in it.

Extension agreements

8.—(1) A municipality, by a by-law passed after the registration of the tax arrears certificate and before the expiry of the one-year period mentioned in subsection 9 (1), may authorize an extension agreement with the owner of the land extending the period of time in which the cancellation price is to be paid and the agreement may be subject to such terms and conditions relating to payment as are set out in it, but it shall not,

(a) reduce the amount of the cancellation price; or

(b) prohibit any person from paying the cancellation price at any time.

Mandatory contents

(2) Every extension agreement entered into under subsection (1) shall state,

(a) when and under what conditions it shall cease to be considered a subsisting agreement;

(b) that any person may pay the cancellation price at any time; and

(c) that it terminates upon payment of the cancellation price by any person.

Calculation of time

(3) The period during which there is a subsisting extension agreement shall not be counted by the treasurer in calculating the periods mentioned in subsection 9 (1).

Inspection of extension agreement

(4) The treasurer, on the request of any person, shall permit the person to inspect a copy of an extension agreement entered into under this section and shall provide copies thereof at the same rate as is charged under section 78 of the *Municipal Act*.

R.S.O. 1980, c. 302

Cancellation certificate

(5) When the terms of an extension agreement have been fulfilled, the treasurer shall forthwith register a tax arrears cancellation certificate in the prescribed form.

Public sale

9.—(1) If the cancellation price remains unpaid at the expiry of the period of 280 days from the day of the registration of the tax arrears certificate, the treasurer, within thirty days of the expiry of the 280 day period, shall send or cause to be sent to the persons entitled to receive notice under section 4 a final notice in the prescribed form that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate.

Advertisement

(2) If, at the end of the one-year period following the date of the registration of the tax arrears certificate,

(a) the cancellation price remains unpaid; and

(b) there is no subsisting extension agreement,

the land shall be offered for public sale by public auction or public tender, as the treasurer shall decide, and the treasurer shall forthwith,

(c) make a statutory declaration in the prescribed form stating the names and addresses of the persons to whom notice was sent under subsection (1);

(d) advertise the land for sale once in *The Ontario Gazette* and once a week for four weeks in a newspaper that, in the opinion of the treasurer, has such circulation within the municipality as to provide reasonable notice of the sale or, where there is no such newspaper, the treasurer shall post notice in the municipal office and one other prominent place in the municipality and the advertisement shall be in the prescribed form.

Conduct of sale

(3) The treasurer, in accordance with the prescribed rules, shall conduct a public sale and determine whether there is a successful purchaser and,

(a) where there is a successful purchaser, the treasurer shall prepare and register a tax deed in the prescribed form in the name of the successful purchaser or in such name as the successful purchaser may direct; or

(b) where there is no successful purchaser, the treasurer shall prepare and register, in the name of the municipality, a notice of vesting in the prescribed form.

Statutory declaration

(4) The treasurer shall make and register, at the time of registering the tax deed or notice of vesting, a statutory declaration in the prescribed form stating that,

(a) the tax arrears certificate was registered with respect to the land at least one year before the land was advertised for sale;

(b) notices were sent and the statutory declarations were registered in substantial compliance with this Act and the regulations made under this Act;

(c) the cancellation price was not paid within one year following the date of the registration of the tax arrears certificate; and

(d) the land was advertised for sale, in substantial compliance with this Act and the regulations made under this Act.

Effect of conveyance

(5) A tax deed or notice of vesting, when registered, vests in the person named therein or in the municipality, as the case may be, an estate in fee simple in the land, together with all rights, privileges and appurtenances and free from all estates and interests, subject only to,

(a) easements and restrictive covenants that run with the land;

(b) any estates and interests of the Crown in right of Canada or in right of Ontario; and

(c) any interest or title acquired by adverse possession by abutting landowners before the registration of the tax deed or notice of vesting.

Idem

(6) A tax deed or notice of vesting, when registered, vests in the person named therein or the municipality, as the case may be, any interest in or title to adjoining land acquired by adverse possession before the registration of the tax deed or notice of vesting if the person originally acquiring the interest or title by adverse possession did so as a consequence of possession of the land described in the tax deed or notice of vesting.

No warranty

(7) A tax deed does not,

(a) impose an obligation on the municipality to provide vacant possession;

(b) invalidate or in any way affect the collection of a rate that has been assessed, imposed or charged on the land under any Act by the municipality before the registration of the tax deed and that accrues or becomes due after the registration of the tax deed.

Municipal bid or tender

(8) The council of the municipality to which the tax arrears are owed may by resolution authorize the municipality to bid

at or submit a tender in a public sale conducted under this section if the municipality requires the land for a municipal purpose.

Inspection of statutory declaration

(9) The treasurer, on the request of any person, shall permit the person to inspect a copy of the statutory declaration made under clause (2) (c) and shall provide copies thereof at the same rate as is charged under section 78 of the *Municipal Act*.

R.S.O. 1980, c. 302

Power of treasurer

(10) Notwithstanding anything in the prescribed rules, except the rules relating to the determination of the successful purchaser, the treasurer, in conducting a sale under this Act, may do all things as are, in his or her opinion, necessary to ensure a fair and orderly sale.

Value of land

(11) The treasurer is not bound to inquire into or form any opinion of the value of the land before conducting a sale under this Act and the treasurer is not under any duty to obtain the highest or best price for the land.

Application of proceeds

10.—(1) The proceeds of a sale under section 9 shall be,

(a) firstly, applied to pay the cancellation price;

(b) secondly, paid to all persons, other than the owner, having an interest in the land according to their priority at law; and

(c) thirdly, paid to the person who immediately before the registration of the tax deed was the owner of the land.

Payment into court

(2) The treasurer shall pay the proceeds of sale, minus the cancellation price, into the District Court together with a statement in the prescribed form outlining the facts under which the payment into court is made.

Payment out of court

(3) Any person claiming entitlement under clause (1) (b) or (c) may apply to the District Court within one year of the payment into court under subsection (2) for payment out of court of the amount to which the person is entitled.

Idem

(4) On an application under subsection (3), the court shall determine all of the entitlements to receive payments out of the proceeds of sale.

Forfeiture

(5) Where no person makes an application under subsection (3) within the one-year period referred to in that subsection, the amount paid into court under subsection (2) shall be

deemed to be forfeited to the municipality and the municipality may apply to the District Court for payment out of court of the amount that was paid in.

Payment into general funds

(6) Money received by a municipality under subsection (5) shall be paid into the general funds of the municipality.

Methods of giving notice

11.—(1) Any notice required to be sent to any person under this Act may be given by personal delivery or, in the alternative, may be sent by certified or registered mail,

(a) in the case of the assessed owner, to the address of the person as shown on the last returned assessment roll of the municipality;

(b) in the case of any person whose interest is registered against the title of the land, to the address of the person furnished under section 166 of the *Land Titles Act* or section 37 of the *Registry Act* or where no such address has been furnished, addressed to the solicitor whose name appears on the registered instrument by which that person appears to have an interest;

R.S.O. 1980, cc. 230, 445

(c) in the case of a person appearing to have an interest in the land by the index of executions with respect to land registered under the *Land Titles Act* or by the index of writs received by the sheriff in the case of land registered under the *Registry Act*, to the address of the person or person's solicitor as shown in the index of executions or in the records of the sheriff of the county or district in which the land is situate;

R.S.O. 1980, cc. 230, 445

(d) in the case of a spouse of the person appearing by the records of the land registry office to be the owner of the land, addressed to "the spouse of (*name of person*)" at the usual or last known address of such spouse or, where that address is not known to the treasurer, at the address of the land; and

(e) in the case of the Public Trustee, addressed to him or her at his or her office in Toronto.

Idem

(2) Any notice required to be sent under this Act to an assessed tenant in occupation of the land and to his or her spouse may be given to them jointly by personal delivery or by ordinary mail addressed to "the occupant and spouse" at the address of the land.

Idem

(3) Where there are six or more assessed tenants in occupation of the land, the notice referred to in subsection (2) may be given by placing a placard containing the terms of the notice in a conspicuous place on the land and the placing of the placard shall be deemed to be sufficient service of the notice.

Statutory declaration, effect

(4) A statutory declaration,

(a) registered under subsection 4 (4) or made under clause 9 (2) (c) is *prima facie* proof that the notices required to be sent were sent to the persons named in the statutory declaration and received by them;

(b) registered under subsection 9 (4) is conclusive proof of the matters referred to in clauses 9 (4) (a) to (d).

Receipt of notice

(5) Nothing in this Act requires the treasurer to ensure that a notice that is properly sent under this Act is received by the person to whom it was sent.

Voidable proceedings

12.—(1) No proceedings for the sale of land under this Act are void by reason of any neglect, omission or error but, subject to this section and to section 13, any such neglect, omission or error may render the proceedings voidable.

Idem

(2) Subject to subsection (4) and to section 13,

(a) a failure on the part of the treasurer to substantially comply with section 4 or subsection 9 (1) of this Act; or

(b) an error or omission in the registration or sale of the land, other than an error or omission mentioned in subsection (5),

renders the proceedings under this Act voidable.

Duty of treasurer

(3) Where, before the registration of a tax deed or notice of vesting, the treasurer becomes aware of a failure, error or omission referred to in subsection (2), the treasurer shall forthwith register a tax arrears cancellation certificate in the prescribed form but this subsection does not apply so as to prevent the treasurer from registering a new tax arrears certificate and proceeding under this Act.

Actual prejudice

(4) Proceedings for the sale of land under this Act are not voidable unless the person complaining of any neglect, error or omission establishes that he or she suffered actual prejudice as a result of the neglect, error or omission.

No duty to distrain, effect of miscalculation of cancellation price

(5) No proceedings under this Act are rendered voidable by reason of,

(a) a failure on the part of the treasurer to distrain for any reason or take any other action for the collection of taxes;

(b) an error in the cancellation price other than a substantial error;

(c) any error in the notices sent or delivered under this Act if the error has not substantially misled the person complaining of the error;

(d) any error in the publishing or posting of advertisements if the error has not substantially misled the person complaining of the error; or

(e) any error in the description of the land in the tax arrears certificate if the error has not substantially misled the person complaining of the error.

Treasurer may halt proceedings

(6) Where, in the opinion of the treasurer,

(a) it is not in the financial interests of the municipality to continue with proceedings under this Act; or

(b) because of some neglect, error or omission, it is not practical or desirable to continue proceedings under this Act,

the treasurer may register a cancellation certificate in the prescribed form, but this subsection does not apply so as to prevent the treasurer from registering a new tax arrears certificate and proceeding under this Act.

Effect of registration of tax deed or notice of vesting

13.—(1) Subject to proof of fraud, every tax deed and notice of vesting, when registered, is final, binding and conclusive and not subject to challenge for any reason including, without limiting the generality of the foregoing,

(a) the invalidity of any assessment upon which the tax arrears were based; and

(b) the breach of any requirements, including notice requirements, imposed by this or any other Act or otherwise by law,

and no action may be brought for the recovery of the land after the registration of the tax deed or notice of vesting if the

statutory declaration required by subsection 9 (4) has been registered.

Idem

(2) Subsection (1) does not apply so as to prevent a person from bringing an action for damages against the municipality.

Mining rights R.S.O. 1980, c. 268

14.—(1) Where land, the mining rights in which are liable for a tax imposed under the *Mining Act* or a predecessor of that Act, is sold for taxes or is vested in a municipality under this Act or under a predecessor of this Act, on or after the 1st day of April, 1954, such sale or vesting creates a severance of the surface rights from the mining rights, and only the surface rights in the land pass to the tax sale purchaser or vest in the municipality, as the case may be, and the sale or registration does not in any way affect the mining rights.

Idem

(2) Notwithstanding subsection (1) or anything else in this or any other Act but subject to any forfeiture to the Crown legally effected under the *Mining Tax Act* or a predecessor of that Act, where land the mining rights in which were liable for area tax under the *Mining Tax Act* or its predecessor, was sold for taxes under the *Municipal Act* or any predecessor thereof or was vested in a municipality upon registration of a tax arrears certificate under the *Municipal Affairs Act* or any predecessor of that Act before the 1st day of April, 1954, and there had been, before the sale or registration, no severance of the surface rights from the mining rights, and the sale or certificate purported to vest all rights in the land in the tax sale purchaser or in the municipality, as the case may be, such sale or certificate shall be deemed to have vested in the tax sale purchaser or in the municipality, without severance, both the surface and mining rights.

R.S.O. 1980, c. 269

R.S.O. 1980, c. 302

R.S.O. 1980, c. 303

Scale of costs

15. The council of a municipality, in lieu of charging the municipality's actual costs in determining any cancellation price, may by by-law fix a scale of costs to be charged as the reasonable costs of proceedings under this Act, which scale shall be designed to meet only the anticipated costs of the municipality.

Treasurer, immunity from civil actions

16.—(1) No action or other proceeding for damages shall be brought against the treasurer or any officer or employee of the municipality acting under the treasurer's authority as a result of any act done in good faith in the performance or intended performance of any duty or in the intended exercise of any power under this Act or the regulations made under this Act or any neglect or default in the performance or exercise in good faith of such duty or power but any such action or proceeding may be brought against the municipality.

Delegation of duties

(2) The treasurer may delegate, in writing, to any officer or employee of the municipality any power or duty granted to or vested in the treasurer under this Act.

Collection of tax arrears by county

17.—(1) The council of any county may by by-law enter into an agreement with any local municipality within the county authorizing the county treasurer to perform the duties of a treasurer under this Act in respect of land within the local municipality and providing for,

(a) the payment to the county of that portion of the cancellation price that reflects the reasonable costs incurred by the county;

(b) the method of cancelling any such agreement; and

(c) such other matters as are necessary to carry out the agreement.

County treasurer, etc.

(2) Where an agreement is in force under this section, the county treasurer has all of the powers of the treasurer of the local municipality in relation to the collection of tax arrears, including the power to sell land under this Act, and the county treasurer shall perform all of the duties of the treasurer of the local municipality in relation thereto and only the county may pass by-laws under sections 8 and 15.

Treasurer of local municipality

(3) Where an agreement under this section is in force, the treasurer of the local municipality shall provide the county treasurer with such information and assistance as is needed by the county treasurer to exercise the powers and duties of a treasurer under this Act.

Cancellation of agreement

(4) Subject to the terms of the agreement, the county or the local municipality may by by-law cancel at any time an agreement entered into under this section.

Notice of cancellation

(5) Where a by-law is passed under subsection (4), the clerk of the municipality passing the by-law shall forthwith send a certified copy of the by-law by registered mail to the treasurer of the other municipality.

Effect of repeals

(6) Where an agreement under this section is cancelled, the treasurer of the local municipality shall assume the duties of a treasurer under this Act in respect of all land within the municipality except the land referred to in subsection (7).

Idem

(7) Where an agreement under this section is cancelled, any proceedings under this Act started by the treasurer of the county in respect of land within the local municipality affected

by the repeal or cancellation shall be continued and concluded by the county treasurer.

Other upper tier municipalities

(8) This section applies with necessary modifications to every metropolitan, regional and district municipality as if a reference to a county were a reference to such municipality.

Regulations

18.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing forms and providing for their use;

(b) prescribing rules for the sale of lands under this Act by public sale and, without restricting the generality of the foregoing, the rules,

(i) shall set out the method of determining a successful purchaser, and

(ii) may require the submission of deposits, in such amount and in such form as may be set out in the rules, and for the forfeiture and disposition thereof.

Idem

(2) A regulation passed under subclause (1) (b) (i) shall provide that a person shall not be declared to be the successful purchaser unless the person's tender or bid is equal to or greater than the cancellation price and the person pays the sale price and land transfer tax payable with respect to the sale within such period of time as may be set out in the rules.

19. Clause 6 (b), sections 20, 40 to 47, 49 and 50, subsections 64 (2) and (3) and Forms 1 to 4 of the *Municipal Affairs Act*, being chapter 303 of the Revised Statutes of Ontario, 1980, are repealed.

20.—(1) Sections 397, 400, 402 to 405, 413 to 418, 420 to 464, 466 to 472 and Form 9 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, are repealed.

(2) Section 399 of the said Act is amended by striking out "county or other" in the first line.

(3) Section 401 of the said Act is repealed and the following substituted therefor:

Payments on tax arrears

401. The treasurer of every municipality shall collect the arrears of taxes outstanding after the return of the collector's roll and may receive part payment of taxes returned to the treasurer as in arrears upon any land for any year and shall

credit such payment first on account of the interest and percentage charges, if any, added to such taxes and shall credit the remainder of such payment against that part of the taxes that has been in arrears for the greatest period of time but no such payment shall be received after a tax arrears certificate has been registered under the *Municipal Tax Sales Act, 1984*. 1984, c. 48

(4) Section 409 of the said Act is repealed and the following substituted therefor:

409. The treasurer of a local municipality shall keep a duplicate blank receipt book, and on receipt of any sum of money for taxes on land shall deliver to the person making the payment one of such receipts, retaining the second of the set in the book, and the auditors shall examine and audit such books and accounts at least once in every year. Treasurer to keep duplicate receipt book

(5) Section 419 of the said Act is repealed and the following substituted therefor:

419. If there are to the knowledge of the treasurer goods and chattels liable to distress upon any land in arrear for taxes, he may levy the arrears of taxes and the costs by distress, and has the same authority to collect by distress as a collector has under this Act, and section 387 applies thereto. Where distress on premises, treasurer may distrain

(6) Sections 491, 492, 493 and 494 of the said Act are repealed and the following substituted therefor:

491. Every municipality is responsible to Her Majesty, and to all other persons interested, that all money coming into the hands of the treasurer of the municipality by virtue of the treasurer's office shall be duly paid over and accounted for by the treasurer according to law. Municipality responsible for such money

492. The treasurer and the treasurer's sureties are responsible and accountable for such money to the municipality and any bond or security given by them for the duly accounting for and paying over money belonging to the municipality applies to all money mentioned in section 484 and may be enforced against the treasurer or the treasurer's sureties in case of default. Treasurer, etc., responsible to municipality

493. The bond of the treasurer and the treasurer's sureties applies to school money and to all public money of Ontario and, in case of default, Her Majesty may enforce the responsibility of the municipality by stopping payment of a like amount out of any public money that would otherwise be payable to the municipality or to the treasurer thereof, or by action against the corporation. Bonds to apply to school money

City, etc., responsible for default of treasurer, etc.

494. Any person aggrieved by the default of the treasurer may recover from the municipality the amount due or payable to such person as money had and received to the person's use.

(7) Form 8 of the said Act is amended by striking out the following paragraph:

"I hereby certify that the above statement shows all arrears of taxes returned to this office against the above lands, and that no part of the lands has been sold for taxes and no certificate of tax arrears has been registered against the lands within the last eighteen months, and that the return under section 397 of the *Municipal Act* has been made for the year 19..."

and inserting in lieu thereof:

"I hereby certify that the above statement shows all arrears of taxes against the above lands, and proceedings have (not) been commenced under the *Municipal Tax Sales Act, 1984*."

1984, c. 48

21.—(1) Subsection 53 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 32, section 14, is further amended by inserting after "duties" in the eleventh line "including the powers and duties with respect to the sale of land for tax arrears" and by striking out "67 (5) to (12)" in the twelfth and thirteenth lines and inserting in lieu thereof "67 (5), (6) and (12)".

(2) Subsection 67 (1) of the said Act is amended by inserting after "duties" in the seventh line "including the powers and duties with respect to the sale of land for tax arrears".

(3) Subsections 67 (6) to (11) of the said Act are repealed and the following substituted therefor:

Tax sales officer

(6) The board of a district school area shall name one of its officers as the officer of the board responsible for the sale of land for tax arrears and that officer has the same powers and duties as a treasurer under the *Municipal Tax Sales Act, 1984* and the board has the same powers and duties as a council under that Act.

1984, c. 48

(4) Subsection 69 (3) of the said Act is amended by inserting after "duties" in the sixth line "including the powers and duties with respect to the sale of land for tax arrears".

(5) Subsection 69 (6) of the said Act is amended by striking out "67 (5) to (12)" in the first line and inserting in lieu thereof "67 (5), (6) and (12)".

(6) Subsection 99 (2) of the said Act is repealed and the following substituted therefor:

(2) Every collector has the same powers in collecting the school rate, rate-bill or subscription and is under the same liabilities and obligations and shall proceed in the same manner as a township collector in collecting rates in a township and has the same powers and duties as a treasurer under the *Municipal Tax Sales Act, 1984* and the board by which the collector is employed has the same powers and duties as a council under that Act. Powers and duties of collectors 1984, c. 48

(7) Subsection 112 (2) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 36, is further amended by inserting after "duties" in the tenth line "including the powers and duties with respect to the sale of land for tax arrears" and by striking out "67 (5) to (12)" in the twelfth line and inserting in lieu thereof "67 (5), (6) and (12)".

22. Subsection 17 (2) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, is repealed.

23.—(1) Notwithstanding section 19 or subsection 20 (1), but subject to subsection (2), where before the day this section comes into force, a tax arrears certificate is registered under the *Municipal Affairs Act* or a certificate is given under section 433 of the *Municipal Act* in respect of any land, the tax arrears proceedings of the applicable Act shall continue to apply to such land. Transition R.S.O. 1980, cc. 303, 302

(2) Notwithstanding subsection (1), where land to which subsection (1) applies has not been the subject of a tax deed under the *Municipal Act* and has not been sold or declared necessary for municipal purposes under the *Municipal Affairs Act* by the 1st day of January, 1987, the land vests in the municipality on the day that a notice of forfeiture is registered under subsection (3). Vesting

(3) After the 1st day of January, 1987, the treasurer shall register a notice of forfeiture in the prescribed form with respect to each parcel of land to which subsection (2) applies and the notice, when registered, vests in the municipality an estate in fee simple in the land, together with all rights, privileges and appurtenances, free from all estates and interest subject only to, Notice of forfeiture

(a) easements and restrictive covenants that run with the land;

(b) any estates and interests of the Crown in right of Canada or in right of Ontario; and

(c) any interest or title acquired by adverse possession by abutting landowners before the registration of the notice.

Idem

(4) A notice of forfeiture, when registered, vests in the municipality any interest in or title to adjoining land acquired by adverse possession before the registration of the notice if the person originally acquiring the interest or title by adverse possession did so as a consequence of possession of the land described in the notice.

Effect of registration of notice of forfeiture

(5) Subject to proof of fraud, every notice of forfeiture, when registered, is final, binding and conclusive and not subject to challenge for any reason including, without limiting the generality of the foregoing,

(a) the invalidity of any assessment upon which the tax arrears were based; and

(b) the breach of any requirements, including notice requirements, imposed by this or any other Act or otherwise by law,

and no action may be brought for the recovery of the land after the registration of the notice of forfeiture.

Idem

(6) Subsection (5) does not apply so as to prevent a person from bringing an action for damages against the municipality.

Compromise agreement

R.S.O. 1980, c. 303

(7) Subsections (2), (3) and (4) do not apply to land that, on the 1st day of January, 1987, is the subject of a subsisting compromise agreement entered into under the *Municipal Affairs Act*.

Application to certain school boards

R.S.O. 1980, c. 129

(8) This section applies with necessary modifications to proceedings taken under the *Education Act* or any predecessor of that Act by a board authorized under such Act to collect school rates or subscriptions.

Commencement

24.—(1) This Act, except sections 2 to 16 and 19 to 23, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 to 16 and 19 to 23 come into force on the 1st day of January, 1985.

Short title

25. The short title of this Act is the *Municipal Tax Sales Act, 1984*.

CHAPTER 49

An Act to amend the Assessment Act

Assented to November 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 63 (1) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 47, section 13, 1982, chapter 56, section 4 and 1983, chapter 58, section 4, is further amended,

(a) by striking out "and" at the end of clause (i);

(b) by adding "and" at the end of clause (j);

(c) by striking out all that part of the subsection immediately following clause (j) and inserting in lieu thereof:

(k) subject to subsection (2) and to subsection 65 (3), the assessment roll of a municipality to be returned in the year 1984 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1983 for taxation in the year 1984 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1985 is returned,

provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years 1974 to and including 1984 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

2. Section 68 of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 58, section 5, is repealed and the following substituted therefor:

Application

68. Section 65 ceases to be in force on the 17th day of December, 1985, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action that will affect taxes for the years 1971 to and including 1985.

3. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 58, section 6, is repealed and the following substituted therefor:

Application

69. Subject to section 70, subsection 24 (6) is not in force and remains inoperative until the 1st day of January, 1985.

Commencement

4. This Act comes into force on the 1st day of December, 1984.

Short title

5. The short title of this Act is the *Assessment Amendment Act, 1984* (No. 2).

CHAPTER 50

An Act to amend the Income Tax Act

Assented to November 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2a of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 37, section 1, is repealed and the following substituted therefor:

Temporary surcharge

2a. Every individual whose taxable income exceeds the amount prescribed for the purposes of subsection 6 (2) for the 1983 or 1984 taxation year shall, in addition to the income tax otherwise payable by him under this Act, pay,

(a) in respect of the 1983 taxation year, a tax of 2.5 per cent; and

(b) in respect of the 1984 taxation year, a tax of 5 per cent,

of the tax that exceeds the amount prescribed for the purposes of this section and that would, but for section 120.1 of the Federal Act, be payable by him under the provisions of this Act, other than this section, before any deduction authorized by subsection 3 (8) or section 7.

2.—(1) Section 3 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 13, section 1, 1981, chapter 46, section 2 and 1983, chapter 37, section 2, is further amended by adding thereto the following subsections:

Idem

(2a) For the 1982 taxation year, the tax payable by an individual described in clause (2) (a) for the year is the amount equal to the aggregate of,

(a) the amount determined under subsection (2) for the 1982 taxation year; and

(b) an amount that bears the same relationship to the product of the amount added under subsection 120.1 (2) of the Federal Act for the year by the percentage specified in subsection (5) for the year that his income earned in the taxation year outside of Ontario bears to his income for the year.

Idem

(2b) For the 1982 taxation year, the tax payable by an individual described in clause (2) (b) for the year is the amount by which,

(a) the amount determined under subsection (2) for the year,

exceeds

(b) an amount that bears the same relation to the product of the amount added under subsection 120.1 (2) of the Federal Act for the year by the percentage specified in subsection (5) for the year that his income earned in the taxation year in Ontario bears to his income for the year.

Idem

(2c) An individual to whom section 2 is applicable for a taxation year is deemed to have paid on account of his tax for the year an amount determined by applying the percentage specified in subsection (5) for the year to an amount that bears the same relation to the excess determined under subsection 120.1 (4) of the Federal Act for the year that his income earned in the taxation year in Ontario bears to his income for the year.

(2) Clause 3 (6) (a) of the said Act is amended by striking out "or 127" in the seventh line and inserting in lieu thereof "127 or 127.2".

(3) Subclause 3 (8) (b) (i) of the said Act is amended by inserting after "country" in the second line "excluding any portion thereof that was deductible by him for the year under subparagraph 110 (1) (*f*) (i) of the Federal Act".

(4) Subclause 3 (8) (b) (ii) of the said Act is amended by inserting after "under" in the eighth line "paragraph 110 (1) (*f*) or".

(5) Clause 3 (9) (b) of the said Act is repealed and the following substituted therefor:

(b) the expressions "tax payable" and "tax otherwise payable" means the amount of tax calculated under

this Act that would be payable but for section 120.1 of the Federal Act, without the deduction authorized by subsection 7 (2) or (6), other than any tax payable pursuant to subsection (3).

3. Subsection 7 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 13, section 3, is further amended by adding thereto the following clause:

(k) "tax payable" and "tax otherwise payable" means the amount of tax that would, but for section 120.1 of the Federal Act and this section, be otherwise payable under this Act.

4.—(1) Subsection 11 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 46, section 5, is further amended,

(a) by inserting after "paying" in the first line "at any time in a taxation year"; and

(b) by striking out in the first line of that part of the subsection immediately following the clauses "at any time in a taxation year".

(2) Clause 11 (1) (a) of the said Act is amended by striking out "to an officer or employee" in the first and second lines.

(3) Clause 11 (1) (j) of the said Act is repealed and the following substituted therefor:

(j) a training allowance under the *National Training Act* (Canada). 1980-81-82, c. 109 (Can.)

(4) Clause 11 (1) (m) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 46, section 5, is further amended by striking out "or" at the end thereof.

(5) Clause 11 (1) (n) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 46, section 5, is repealed and the following substituted therefor:

(n) an amount as a benefit under the *Labour Adjustment Benefits Act* (Canada); or 1980-81-82, c. 89 (Can.)

(o) one or more amounts to an individual who has elected for the year in prescribed form in respect of all such amounts.

(6) Subsection 11 (2) of the said Act is amended by inserting after "remuneration" in the second line "or other payments".

5. Subsection 12 (1) of the said Act is amended by inserting after "fishing" in the second line "other than an individual to whom subsection 11 (2) applies".

6. Section 16 of the said Act is amended by adding thereto the following subsection:

Idem

(6a) Notwithstanding any other provision of this section, where tax payable under this Act by a taxpayer for a taxation year is increased by virtue of an adjustment of an income or profits tax payable by him to a government of a country other than Canada or to the government of a state, province or other political subdivision of such country, no interest is payable, in respect of such increase in his tax payable, for the period ending ninety days after the day on which he is first notified of the amount of the adjustment.

7.—(1) Subsections 33 (1) and (1a) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 46, section 8, are repealed and the following substituted therefor:

Garnishment

(1) Where the Provincial Minister has knowledge or suspects that a person is or will be, within ninety days, liable to make a payment to another person who is liable to make a payment under this Act (in this section referred to as the "tax debtor"), he may, by registered letter or by a letter served personally, require that person to pay forthwith, where the moneys are immediately payable, and, in any other case, as and when the moneys become payable, the moneys otherwise payable to the tax debtor in whole or in part to the Treasurer on account of the tax debtor's liability under this Act.

Idem

(1a) Notwithstanding subsection (1), where the Provincial Minister has knowledge or suspects that within ninety days,

(a) a bank, credit union, trust company or other similar person (in this section referred to as the "institution") will loan or advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by a tax debtor who is indebted to the institution and who has granted security in respect of the indebtedness; or

(b) a person other than an institution will loan or advance moneys to, or make a payment on behalf of, a tax debtor who the Provincial Minister knows or suspects,

(i) is employed by or is engaged in providing services or property to that person, or was or will be, within ninety days, employed by or engaged, or

(ii) where that person is a corporation, the tax debtor is not dealing at arm's length with that person,

he may, by registered letter or by a letter served personally, require the institution or the person, as the case may be, to pay in whole or in part to the Treasurer, on account of the tax debtor's liability under this Act, the moneys that would otherwise be loaned, advanced or paid, and any moneys paid to the Treasurer shall be deemed to have been loaned, advanced or paid, as the case may be, to the tax debtor.

(2) Subsection 33 (4a) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 46, section 8, is repealed and the following substituted therefor:

Idem

(4a) Every institution or person who fails to comply with a requirement under subsection (1a) with respect to moneys to be loaned, advanced or paid is liable to pay to Her Majesty in right of Ontario an amount equal to the lesser of,

(a) the aggregate of moneys so loaned, advanced or paid; and

(b) the amount that the institution or person was required by subsection (1a) to pay to the Treasurer.

8. The said Act is amended by adding thereto the following sections:

Acquisition of debtor's property

33a. For the purpose of collecting debts owed by a person to Her Majesty in right of Ontario under this Act, the Provincial Minister may purchase or otherwise acquire any interest in the person's property that the Provincial Minister is given a right to acquire in legal proceedings or under a court order or that is offered for sale or redemption and may dispose of any interest so acquired in such manner as he considers reasonable.

Moneys seized in criminal proceedings

33b.—(1) Where the Provincial Minister knows or suspects that a person is holding moneys that were seized by a police officer in the course of administering or enforcing the criminal law of Canada from another person who is liable to make a payment under this Act (in this section referred to as the "tax debtor") and that are restorable to the tax debtor, he

may, by registered letter or by a letter served personally, require that person to turn over the moneys otherwise restorable to the tax debtor in whole or in part to the Treasurer on account of the tax debtor's liability under this Act.

Receipt

(2) The receipt of the Treasurer for moneys turned over as required by this section is a good and sufficient discharge of the requirement to restore the moneys to the tax debtor to the extent of the amount so turned over.

9. The said Act is further amended by adding thereto the following section:

Directors' liability

36a.—(1) Where a corporation has failed to deduct or withhold an amount as required by section 11, or has failed to remit such amount, the directors of the corporation at the time the corporation was required to deduct or withhold the amount, or remit the amount, are jointly and severally liable, together with the corporation, to pay any amount that the corporation is liable to pay under this Act in respect of that amount, including any interest or penalties related thereto.

Exception

(2) A director shall not be liable under subsection (1) unless,

(a) a certificate for the amount of the corporation's liability referred to in subsection (1) has been registered in the Supreme Court under subsection 31 (2) and execution for such amount has been returned unsatisfied in whole or in part;

(b) the corporation has commenced liquidation or dissolution proceedings or has been dissolved and a claim for the amount of the corporation's liability referred to in subsection (1) has been proved within six months after the earlier of the date of commencement of the proceedings and the date of the dissolution; or

R.S.C. 1970, c. B-3

(c) the corporation has made an assignment or a receiving order has been made against it under the *Bankruptcy Act* (Canada) and a claim for the amount of the corporation's liability referred to in that subsection has been proved within six months after the date of the assignment or receiving order.

Standard of care

(3) A director is not liable for a failure under subsection (1) where he exercised the degree of care, diligence and skill to prevent the failure that a reasonably prudent person would have exercised in comparable circumstances.

Limitation period

(4) No action or proceedings to recover any amount payable by a director under subsection (1) shall be commenced more than two years after he last ceased to be a director of that corporation.

Amount of liability

(5) Where the execution referred to in clause (2) (a) has been issued, the amount recoverable from a director is the amount remaining unsatisfied after execution.

Crown preference

(6) Where a director pays an amount in respect of a corporation's liability referred to in subsection (1) that is proved in liquidation, dissolution or bankruptcy proceedings, he is entitled to any preference that Her Majesty in right of Ontario would have been entitled to had such amount not been so paid and, where a certificate that relates to such amount has been registered, he is entitled to an assignment of the certificate to the extent of his payment, which assignment the Treasurer is hereby authorized to make.

Directors' recovery

(7) A director who has satisfied a claim under this section is entitled to contribution from the other directors who were liable for the claim.

10. Subsection 37 (3) of the said Act is repealed and the following substituted therefor:

Records retention

(3) Every person required by this section to keep records and books of account shall retain the records and books of account and every account and voucher necessary to verify the information in the records and books of account until the disposal thereof is permitted for the purposes of the Federal Act pursuant to the provisions of Part XV thereof.

Commencement and application

11.—(1) Section 1 and subsection 3 (2c) of the said Act, as enacted by subsection 2 (1), shall be deemed to have come into force on the 1st day of January, 1983 and apply to the 1983 and subsequent taxation years.

Idem

(2) Subsections 3 (2a) and (2b) of the said Act, as enacted by subsection 2 (1), subsections 2 (3), (4) and (5), and section 3 shall be deemed to have come into force on the 1st day of January, 1982 and apply to the 1982 and subsequent taxation years.

Idem

(3) Subsection 2 (2) shall be deemed to have come into force on the 1st day of July, 1983 with respect to shares issued after the 30th day of June, 1983 and applies to the 1982 and subsequent taxation years.

Idem

(4) Subsections 4 (1), (2) and (6), and sections 5, 7 and 8 shall be deemed to have come into force on the 30th day of March, 1983.

Idem

(5) Subsection 4 (3) shall be deemed to have come into force on the 2nd day of August, 1982.

Idem

(6) Subsections 4 (4) and (5) shall be deemed to have come into force on the 30th day of March, 1983, provided that clause 11 (1) (n) of the said Act, as re-enacted by subsection 4 (5), is applicable with respect to amounts paid after 1981, except that in its application to payments made after the 12th day of November, 1981 in respect of a termination of an office or employment that occurred on or before that date, that clause shall be read as follows:

(n) a termination payment.

Idem

(7) Section 6 shall be deemed to have come into force on the 1st day of January, 1981 and applies to notifications made after 1980.

Idem

(8) Section 9 shall be deemed to have come into force on the 13th day of November, 1981, and applies with respect to amounts required to be deducted and remitted, or withheld and remitted, after the 12th day of November, 1981.

Idem

(9) Section 10 comes into force on the day this Act receives Royal Assent.

Short title

12. The short title of this Act is the *Income Tax Amendment Act, 1984*.

CHAPTER 51

An Act to amend The City of Sudbury Hydro-Electric Service Act, 1980

Assented to November 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The City of Sudbury Hydro-Electric Service Act, 1980*, being chapter 59, is amended by adding thereto the following subsection:

(3a) Where the Commission purchases the assets used by a person to supply power in an area of the City, the Commission has the sole right to distribute and supply power in the area on and after the date of the transfer of ownership of the assets to the Commission. Transfer of right on purchase of assets

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *City of Sudbury Hydro-Electric Service Amendment Act, 1984*. Short title

CHAPTER 52

An Act to amend the Ontario Unconditional Grants Act

Assented to November 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 9 (1) of the *Ontario Unconditional Grants Act*, being chapter 359 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1981, chapter 9, section 8, is repealed and the following substituted therefor:

Where equalized assessment of lower tier municipality to be increased

R.S.O. 1980, cc. 203, 122

(1) For the purposes of apportioning the amounts required for a district home established under the *Homes for the Aged and Rest Homes Act* or a district welfare administration board, established under the *District Welfare Administration Boards Act*, the equalized assessment of a lower tier municipality shall be increased by an amount that would have produced the amount of the resource equalization grant entitlement in the preceding year, or such other year as may be prescribed, by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes, other than school purposes, on commercial assessment in the preceding year, by the total equalized commercial assessment for the preceding year, times 1,000.

2. This Act comes into force on the 1st day of January, 1985.

Commencement

3. The short title of this Act is the *Ontario Unconditional Grants Amendment Act, 1984* (No. 2).

Short title

CHAPTER 53

An Act respecting certain land in the Township of Marathon in the District of Thunder Bay

Assented to November 27th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Plan 55M-468" means the plan of subdivision registered in the land registry office for the Land Titles Division of Thunder Bay (No. 55) as Plan 55M-468;

(b) "Road C" means Road "C" in the Township of Marathon, as shown as an underlying feature in broken outline on Plan 55M-468.

Land deemed not be public highway

2. That portion of Road C within the limits of Plan 55M-468, except the parts of Road C dedicated by Plan 55M-468 as public highways, shall be deemed not to be a public highway.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Township of Marathon Land Act, 1984*.

CHAPTER 54

An Act to revise the Election Act

Assented to December 14th, 1984

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

Interpretation

1.—(1) In this Act,

(a) "advance poll" means a poll held under section 44;

(b) "ballot" means a ballot used for the conduct of an election;

(c) "Board" means the Board of Internal Economy referred to in section 84 of the *Legislative Assembly Act*;

R.S.O. 1980, c. 235

(d) "candidate at an election" and "candidate" mean a person elected to serve in the Assembly and a person who is nominated as a candidate at an election or is declared by himself or by others to be a candidate on or after the date of the issue of the writ or after the dissolution or vacancy in consequence of which the writ has been issued;

(e) "corrupt practice" means any act or omission, in connection with an election, in respect of which an offence is provided under the *Criminal Code* (Canada) or which is a corrupt practice under this Act;

R.S.C. 1970, c. C-34

(f) "election" means an election of a member or members to serve in the Assembly;

(g) "elector" means a person who is entitled under this Act to vote at an election to the Assembly;

(h) "electoral district" means an electoral district as set out in the *Representation Act*;

R.S.O. 1980, c. 450

(i) "general election" means an election in respect of which election writs are issued for all electoral districts;

(j) "polling division" means a polling division established by the returning officer in accordance with this Act;

(k) "polling list" means the list of electors furnished to a deputy returning officer by the returning officer in accordance with this Act;

(l) "prescribed" means prescribed by the Lieutenant Governor in Council or by the Chief Election Officer;

(m) "registered candidate" means a candidate registered with the Commission on Election Contributions and ~~Expenses~~ under the *Election Finances Reform Act*; R.S.O. 1980, c. 134

(n) "registered party" means a political party registered with the Commission on Election Contributions and ~~Expenses~~ under the *Election Finances Reform Act*;

(o) "residence", and similar expressions used in relation to a person, means his true, fixed, permanent home or lodging place to which, whenever he is absent, he has the intention of returning, subject to the following rules:

1. The place where a person's family resides shall be deemed to be his residence unless he takes up or continues his residence at some other place with the intention of remaining there, in which case he shall be deemed to be a resident of such other place.

2. The place where a single person occupies a room or part of a room as a regular lodger or to which he habitually returns, not having any other permanent lodging place, shall be deemed to be his residence.

3. No person shall be deemed to be ordinarily resident in quarters or premises that are generally occupied during some or all of the months of May to October only and generally remain unoccupied during some or all of the months of November to April unless,

   i. he is occupying such quarters in the course of and in the pursuit of his ordinary gainful occupation, or

   ii. he has no quarters in any other electoral district to which he might at will remove;

(p) "voter" means an elector who has appeared at a polling place and has accepted a ballot for marking which has been placed in the ballot box or has declined his ballot and so declared.

Idem

(2) In this Act, words importing the masculine gender only include females as well as males, and the converse.

TIME

References to time

2. Any expression of or reference to time in this Act refers to the time that is in effect locally, that is, either standard time or daylight saving time, as the case may be.

OATHS

Oaths and statutory declarations, who may take

3.—(1) Except where otherwise provided, an oath or statutory declaration for the purposes of this Act may be taken by a returning officer, election clerk, revision assistant, justice of the peace, a commissioner for taking affidavits or a notary public and for election purposes, deputy returning officers and poll clerks are empowered to take such oaths or declarations at the poll.

No charge for taking oath or declaration

(2) Every person taking an oath or statutory declaration under or for the purposes of this Act shall do so gratuitously.

ADMINISTRATION

Appointment of C.E.O. and A.C.E.O.

4.—(1) The Lieutenant Governor in Council, on the address of the Assembly, shall appoint, as an officer of the Assembly, a Chief Election Officer, who shall be responsible for the administration of this Act and the Lieutenant Governor in Council may appoint, as an officer of the Assembly, an Assistant Chief Election Officer.

Remuneration of C.E.O.

(2) The Chief Election Officer shall be paid such salary as may be determined by the Lieutenant Governor in Council.

Salary of C.E.O. paid out of Consolidated Revenue Fund

(3) The salary of the Chief Election Officer shall be charged to and paid out of the Consolidated Revenue Fund.

Powers and duties of C.E.O.

(4) The Chief Election Officer shall consult with, advise and supervise the returning officers and election clerks in the performance of their duties, and may visit in person and consult with the deputy returning officer and poll clerk at any polling location.

Powers and duties of A.C.E.O.

(5) In the absence or illness of the Chief Election Officer or if the office is vacant, the Assistant Chief Election Officer shall act in his place and, while so acting, possesses the same powers and shall perform the same duties as the Chief Election Officer.

Appointment of Acting C.E.O.

(6) If at any time subsequent to the issue of the writs for an election the office of Assistant Chief Election Officer is vacant and if the Chief Election Officer is absent or through illness is unable to perform the duties of his office or if the office is vacant, the Lieutenant Governor in Council may appoint some person as Acting Chief Election Officer to hold office during such period of time as is specified in the appointment and the Acting Chief Election Officer shall act in the place of the Chief Election Officer and while so acting possesses the same powers and shall perform the same duties as the Chief Election Officer.

In cases of emergency, etc.

(7) Where in the opinion of the Chief Election Officer, by reason of any mistake, miscalculation, emergency or unusual or unforeseen circumstance, a situation exists for which no provision is made under this Act, he may make such appointments or give such directions as he considers proper and anything done in compliance with any such direction is not open to question, but the Chief Election Officer shall immediately give notice of any such direction to the candidates affected.

Delegation

(8) The Chief Election Officer may delegate in writing to any officer on his staff authority to exercise any power and perform any duty, other than those mentioned in subsection (7), assigned to him by this Act.

Forms

(9) The Chief Election Officer shall prescribe the forms for use under this Act.

Administrative in nature

(10) The prescribing of forms under subsection (9) or the exercise of any power or the performance of any duty by the Chief Election Officer that he is authorized or required to exercise or perform under this Act shall be deemed to be an act or acts of an administrative nature.

Persons excluded from being returning officers, etc.

5.—(1) The following persons shall not be appointed or act as a returning officer, election clerk, deputy returning officer or poll clerk:

1. Judges of federal or provincial courts.

2. Crown Attorneys and Clerks of the Peace.

3. Members of the Executive Council.

4. Members of the Parliament of Canada or of the Assembly.

5. Persons who have served as members of the Assembly in the session next preceding the election.

6. Persons who have at any time been found guilty of a corrupt practice.

Validity of election not affected

(2) A contravention of this section does not affect the validity of the election.

EMPLOYEES SERVING OR VOTING AT AN ELECTION

Leave to be granted to employee to serve

6.—(1) Every employer shall, on request made not later than seven days before the time required, grant leave to an employee who has been appointed by a returning officer to serve as a poll official to enable him to perform his duties and the employer may not dismiss an employee who has been so appointed.

Remuneration

(2) The employer is not required to remunerate his employee for any leave granted under subsection (1), but such leave shall not be subtracted from any vacation entitlement.

Employees to have three consecutive hours for voting

(3) Every employee who is qualified to vote shall, while the polls are open on polling day at an election, have three consecutive hours for the purpose of voting and, if the hours of his employment do not allow for three consecutive hours, he may request that his employer allow him such additional time for voting as may be necessary to provide those three consecutive hours and the employer shall grant the request.

Deduction from pay prohibited

(4) No employer shall make any deduction from the pay of any employee or impose upon or exact from him any penalty by reason of his absence from his work during the consecutive hours that the employer is required to allow him under subsection (3).

Time off best suiting convenience of employer

(5) Any time off for voting as provided in subsection (3) shall be granted at the time of day that best suits the convenience of the employer.

RETURNING OFFICERS

Appointment of R.O.

7.—(1) The Lieutenant Governor in Council shall appoint a returning officer for each electoral district.

Qualifications of R.O.

(2) A returning officer must be of voting age, a Canadian citizen and resident in Ontario.

Refusal or incapacity to act

(3) If the person appointed as returning officer under subsection (1) dies, refuses to act, is incapacitated or resigns in accordance with subsection (9) or is discharged under subsection (10) or (11), some other person may be appointed by the Lieutenant Governor in Council as returning officer.

Notification of appointment

(4) The Chief Election Officer shall notify every person appointed as returning officer of his appointment, and thereupon such person shall enter upon his duties under this Act.

Oath of R.O.

(5) Every returning officer immediately upon receiving notice of his appointment shall take the prescribed oath, faithfully to perform his duties without partiality, fear, favour or affection.

Clerical and other assistance

(6) Subject to the direction of the Chief Election Officer, every returning officer shall provide for such clerical and other assistance as is necessary in the performance of his duties.

Powers and duties of R.O.

(7) A returning officer shall consult with, advise and supervise the deputy returning officers and poll clerks in the performance of their duties and he or his election clerk or his delegate may visit and consult with the deputy returning officer and poll clerk at any polling location in the electoral district.

Instructions from C.E.O.

(8) A returning officer shall comply with any oral or written instruction received from the Chief Election Officer.

Term of office

(9) A returning officer who is appointed under this Act shall continue in office as returning officer for the electoral district until he dies, or, with prior permission of the Chief Election Officer, he resigns, or unless he is removed from office under subsection (10) or (11).

Removal from office

(10) The Lieutenant Governor in Council may remove from office any returning officer who,

(a) has attained the age of sixty-five years; or

(b) is incapable, by reason of illness, physical or mental infirmity or otherwise, of satisfactorily performing his duties under this Act.

Idem

(11) The Chief Election Officer may, at any time during an election period, remove from office any returning officer who, in the opinion of the Chief Election Officer, fails to discharge competently his duties, or any of them, under this Act.

Obstruction

(12) No person shall obstruct or interfere with the returning officer or his staff or contrive any hindrance to the exercise of their rights or the performance of their duties under this Act.

ELECTION CLERK

Election clerk

8.—(1) Forthwith upon his appointment, the returning officer may appoint in writing a person who is of voting age, a

Canadian citizen and resident in Ontario to be his election clerk but if upon receipt of a writ of election no person has been appointed, the returning officer shall immediately make the appointment.

Relatives

(2) No person who is a child, grandchild, brother, sister, parent, grandparent or the spouse of the returning officer shall be appointed as election clerk without the prior approval of the Chief Election Officer.

Appointment of new election clerk

(3) The returning officer at any time and for any reason may appoint in writing a new election clerk in the place of the person previously appointed.

Duties

(4) The election clerk shall assist the returning officer in the performance of his duties, and, if the returning officer dies or is disqualified or refuses or is unable to perform his duties during an election and has not been replaced, shall act in his stead as the returning officer.

Oath of election clerk

(5) The election clerk before entering upon his duties shall take the prescribed oath.

DATES FOR CLOSE OF NOMINATIONS AND POLLING

Close of nominations and election day

9. When an election is to be held, the Lieutenant Governor in Council may appoint and proclaim a day,

(a) for the close of nominations and the grant of a poll where required, which day shall be a Thursday, that is not more than sixty and not less than twenty-three days after the date of the writs of election; and

(b) for the taking of a poll, which day shall be the Thursday, that is the fourteenth day after the grant of a poll, unless that Thursday is a holiday, as defined by the *Interpretation Act*, or is declared to be a holiday by law and in that case the day fixed for the poll shall be Friday of the same week.

R.S.O. 1980, c. 219

WRITS

Writs to bear same date

10.—(1) The writs for a general election shall all be dated on the same day and shall be addressed to the returning officers.

Writs to state nomination and polling days

(2) A writ of election shall state the respective days for the close of nominations and for the polling, if required, and is returnable forthwith after the election.

(3) Every returning officer on receiving a writ for an election shall endorse thereon the date of its receipt. Endorsement on writ

(4) If a writ for an election has been issued to a person in whose stead a new returning officer has been appointed under subsection 4 (7) or under subsection 7 (3), a new writ may be issued or the new returning officer or the election clerk, if applicable, may act under the writ already issued and the validity of the proceedings prior to the new person acting may not be questioned but the new or acting returning officer may appoint a new election clerk. Where appointment superseded

PROCLAMATION

11.—(1) Forthwith after receipt of the writ of election, the returning officer shall by proclamation, declare, Proclamation by returning officer

(a) the dates, place and times during which the list of electors may be revised;

(b) the date, place and time fixed for the close of nominations of candidates and for the granting of a poll, if required; and

(c) the days and hours fixed for holding the advance polls and the general poll.

(2) The returning officer shall cause the proclamation to be printed and copies to be posted in conspicuous places on public or private property in the electoral district and the Chief Election Officer or the returning officer may arrange for the proclamation to be published in a sufficient number of newspapers to provide coverage throughout the electoral district. Posting, etc., of proclamation

POLLING DIVISIONS

12.—(1) The returning officer shall divide his electoral district into urban and rural polling divisions as directed by the Chief Election Officer and shall, on an annual basis or as directed by the Chief Election Officer, review his electoral district as to population distribution and shall, in collaboration with the clerk of each municipality contained within the electoral district, consider any changes to polling division boundaries. Polling divisions

(2) Following any revision of boundaries as may be authorized by the Chief Election Officer, the returning officer shall prepare and submit to the Chief Election Officer one complete set of typed descriptions of the polling divisions established under subsection (1) together with a map or maps of Description of polling divisions

the electoral district boldly marked with the polling division boundaries and the number assigned to each polling division.

POLLING PLACES

Polling places

13.—(1) Subject to subsection (5) and to section 14, the returning officer shall arrange for at least one polling place for each polling division in the most central or most convenient place for the electors, furnished with light and heat and such other accommodation and furniture as may be required, and if the Chief Election Officer approves, the polling place may be provided outside the limits of the polling division, such as in the case of multiple polling places established at one location.

Union of polling divisions

(2) The returning officer may unite two or more adjoining polling divisions and provide one polling place for the united divisions.

Location of polling places

(3) The poll may be situated in any public building or on private property and shall so far as is reasonably possible give access to wheelchairs.

When landlord, municipality, school board, etc., to furnish facilities

(4) Where, in the opinion of the returning officer, it is necessary to ensure to the maximum number of electors access to conveniently located polling places,

(a) a landlord of a building containing 100 or more dwelling units;

(b) a municipality;

(c) a school board; or

(d) a provincially funded institution,

shall, on the request of the returning officer made not less than fourteen days prior to polling day, make any premises under his or its control available as a polling location.

Where polling places not to be

R.S.O. 1980, c. 244

(5) The poll shall not be held in a premises licensed under the *Liquor Licence Act* or in a place of public entertainment, except as authorized by the Chief Election Officer.

Additional polling places

(6) The returning officer may provide such additional polling places in any polling division as are required having regard to the extent of the division, and the number of electors that may conveniently vote at one polling place and the returning officer shall determine how each such polling place shall be designated and an elector is entitled to vote only at the appropriate polling place.

(7) The returning officer shall prepare a list of the polling places within his electoral district showing the location of each by polling division number. List of polling places

(8) Every elector shall have free access to the poll. Access to poll

HOSPITALS, RETIREMENT HOMES, NURSING HOMES AND OTHER INSTITUTIONS

14.—(1) Where an institution for the reception, treatment or vocational training of persons who have served or are serving in the Canadian Forces or who are disabled, a hospital, a psychiatric facility, a home for the aged, a nursing home or other institution of twenty beds or more, in which chronically ill or infirm persons reside or where a retirement home of fifty beds or more is situate in an electoral district, a polling place shall be provided in such institution or upon the premises. Polling places in hospitals, etc.

(2) Electors resident at an institution referred to in subsection (1) and who are entered in the list of electors may vote at such polling place and the returning officer shall arrange for the deputy returning officer and the poll clerk to attend upon the electors at their bedsides or otherwise for the purpose of receiving their ballots. Voting

(3) On the completion of their canvass of the residents, the poll officials may continue the poll in one location until full opportunity has been given for all resident electors to vote. Continuation of poll

(4) Each candidate and one of his scrutineers may be present at such a polling place except when a ballot is marked under section 55. Presence of candidate and scrutineer

QUALIFICATION OF ELECTORS

15.—(1) In an electoral district in which an election to the Assembly is to be held, every person is entitled to vote who, on the general polling day, Electors

(a) has attained eighteen years of age;

(b) is a Canadian citizen or other British subject;

(c) has resided in Ontario for the twelve months next preceding polling day;

(d) resides in the electoral district; and

(e) is not disqualified under this Act or otherwise prohibited by law from voting.

Re-enactment of (1) (b, c)

(2) Clauses (1) (b) and (c) are repealed and the following substituted therefor:

(b) is a Canadian citizen;

(c) has resided in Ontario for the six months next preceding polling day.

Effective date of re-enactment

(3) Subsection (2) does not come into force until the 1st day of July, 1986.

Evidence of person claiming to be elector

(4) For the purposes of this section, a statutory declaration by a person claiming to be entitled to vote is *prima facie* proof of the facts declared to.

Requirement to receive ballot and vote

(5) In order to receive a ballot and vote, an elector's name must appear in the list of electors or on a certificate to vote or have been lawfully added under the provisions of section 51.

PERSONS DISQUALIFIED FROM VOTING

Disqualification

16. Every person who is an inmate in a penal or correctional institution under sentence of imprisonment is disqualified from voting.

PROXIES

Appointment of proxy

17.—(1) Where an elector has reason to believe that he or she will be unable to vote at the advance poll or on polling day by reason of,

R.S.C. 1970, c. N-4

(a) being a member or the spouse or child of a member of the Canadian Forces as defined by the *National Defence Act*; or

(b) being employed in the business of long distance transportation by railway, air, water or motor vehicle; or

(c) business commitments or employer's directions; or

(d) being a person who for medical reasons is physically incapable of attending a polling place; or

(e) being a student duly registered at a recognized education institution; or

(f) being a person participating in a job training or retraining program; or

(g) being an inmate in a penal or correctional institution, not under sentence of imprisonment,

the elector may apply in writing to vote by proxy and appoint some other elector in the electoral district to vote for him or her at the election.

Term of appointment

(2) No appointment of a proxy is valid unless it is made after the date of the issue of the writ of election and no such proxy remains in force after polling day.

Limitation

(3) An elector may not act as proxy for more than two electors.

Certificate

(4) On any day up to and including the day immediately preceding polling day,

(a) a person appointed as a proxy voter under clause (1) (a), (b), (d), (e), (f) or (g); and

(b) a person appointing a proxy under clause (1) (c) and the person appointed,

shall present the application to vote by proxy and the appointment in the prescribed form to the returning officer or a revision assistant of the electoral district.

Idem

(5) The returning officer or revision assistant shall examine the appointment and, on being satisfied as to the reason for a proxy being appointed and the eligibility and qualifications of the persons appointing the proxy and the person so appointed, shall require the latter to make a declaration in the prescribed form before issuing a certificate to vote.

Certificate to be presented

(6) A person appointed as a proxy voter must present a certificate to vote, signed by the returning officer or revision assistant, to the deputy returning officer at the polling place in order to receive a ballot and to vote.

Proxy may vote in own right

(7) An elector who has been appointed as a voting proxy is entitled to vote in his own right in his own polling division and, if within the same electoral district, may apply to the returning officer to have his name transferred to the polling list of the place where the proxy vote is to be cast or to have the name of the person appointing the proxy transferred to the polling list of his polling place.

Cancellation of appointment

(8) An elector who has appointed a voting proxy may cancel such appointment by returning the proxy certificate to the

returning officer for cancellation or by notifying the returning officer and the voting proxy in writing of such cancellation.

Not more than one proxy

(9) Not more than one person shall be appointed a voting proxy on behalf of a person appointing the proxy at any election.

ENUMERATION

Enumeration

18.—(1) Immediately following the issue of the writ for an election, the Chief Election Officer shall designate the period during which an enumeration of electors shall take place and shall advise the returning officer of the date on which the enumeration shall begin.

Nomination of enumerators

(2) After the issue of the writ and up to seventy-two hours before the enumeration is to begin,

(a) the person who apparently will be the candidate at the election of the registered party represented by the government of the day; and

(b) the person who apparently will be the candidate at the election of a different political interest, the candidate for which, at the next preceding provincial election, received the highest number of votes or the next highest number of votes, as the case may be,

shall furnish the returning officer with lists of nominations for appointment as enumerators.

Selection of enumerators

(3) The returning officer shall select and appoint two persons of voting age as enumerators for each polling division, and with the approval of the Chief Election Officer may select persons at least sixteen years of age, and shall make such appointments as are necessary so that the enumerators for each polling division represent as far as possible two different political interests.

Idem

(4) If, seventy-two hours before the enumeration is to begin, sufficient names from which to select and make the appointment of the enumerators have not been received, the returning officer shall make such appointments as are necessary to enumerate the electoral district.

Candidates

(5) No person who apparently will be a candidate at the election shall be an enumerator.

Enumerators; oath, supplies

(6) Forthwith upon their appointment and before commencing their duties, the enumerators shall take the prescribed oath and the returning officer shall supply each pair of enumerators with sufficient materials for the proper conduct of the enumeration.

Enumerators to act jointly

(7) The two enumerators shall act jointly and not individually in relation to each process in the preparation of the list of electors and in case of any disagreement they shall report the matter to the returning officer whose decision shall be final.

Hours of enumeration

(8) The enumerators shall conduct their enumeration between the hours of 9 a.m. and 9 p.m. and, unless they have obtained the information required or unless an occupant of any dwelling unit has stated that no other elector remains to be enumerated, they must make a second visit between the hours of 5 p.m. and 7 p.m. and, if necessary, a third visit may be made between the hours of 7 p.m. and 9 p.m.

Enumerator's record

(9) Each name and address obtained by the enumerators during their door-to-door canvass or as directed by the returning officer shall be entered on a record which shall be signed by both enumerators and a copy thereof left at each dwelling unit.

Notice of inability to obtain information

(10) Where, after making the required number of visits as set out in subsection (8), the enumerators are unable to obtain the information necessary, they shall leave at such dwelling unit the prescribed notice of their inability to obtain information.

Enumerators to have free access

(11) The enumerators shall at all reasonable times and upon producing proper identification have free access for the purposes of enumeration to the entrance door of each dwelling unit in any building having more than one dwelling unit.

Obstruction, etc., of enumerators

(12) No person shall obstruct or interfere with the enumerators or contrive any hindrance in the exercise of their rights or in the performance of their duties under this Act.

Replacement of enumerator

(13) The returning officer may at any time replace any enumerator by appointing another to act in his place and, upon receiving such notice in writing from the returning officer, the enumerator so replaced shall forthwith deliver to the returning officer all credentials, papers and materials which have been supplied.

Forfeiture of right to payment

(14) An enumerator who neglects, omits or refuses to perform any of his duties under this Act or who refuses to com-

ply with any direction in writing from the returning officer may forfeit his right to payment for any service or part thereof already rendered.

LIST OF ELECTORS

Preparation of list of electors

19.—(1) The enumerators, immediately after the completion of the canvass of their polling division, from their records shall prepare a list of electors legibly typewritten in the prescribed form,

(a) under headings of thoroughfares by name and in numerical order of residence where such names and numbers are in effect;

(b) under geographic area or municipal headings in alphabetical order by surname; or

(c) as directed by the returning officer.

Delivery of list to R.O.

(2) Not later than four days from the date of their appointment, the enumerators shall,

(a) certify the total number of names contained in the list; and

(b) unless otherwise directed by the returning officer, deliver the list to the returning officer together with all used and unused material.

Disposition of list

(3) On receipt of and having accepted the list of electors from each pair of enumerators, the returning officer shall arrange for,

(a) one copy of the list to be posted by the enumerators in urban areas in a conspicuous place in their polling division;

(b) one copy of the list to be retained in the returning office;

(c) one copy to be furnished as soon as possible to each candidate in the electoral district;

(d) up to twelve copies of the list to be furnished to each constituency association or candidate in the electoral district; and

(e) a notice of enumeration, including the poll location, to be mailed to each elector.

Notification of omitted electors

(4) Following preparation of the list of electors by the enumerators and up to and including the fourteenth day before polling day, any person who has knowledge of the fact that the name of an elector resident in an urban polling division has been omitted from the list, may so notify the returning officer.

Special enumerators

(5) The returning officer may appoint pairs of special enumerators for the purposes of subsection (6) from among those who have already acted as such for the pending election or may appoint others in the manner provided by section 18.

Enumeration

(6) The returning officer, before the preparation of the polling lists, shall cause special enumerators to call once at the address of any elector referred to in subsection (4) and to enumerate such elector and any other electors at that address whose names were also omitted.

Addition to list of electors

(7) On completion of the enumeration, the returning officer shall cause any names obtained under subsection (6) to be added directly to the list of electors compiled during the original enumeration or shall direct the special enumerators to prepare an additional list of electors by polling division number, in the prescribed form.

Copies

(8) The returning officer shall supply to each candidate, on request, a copy of each list referred to in subsection (7).

COMPLAINT AGAINST NAME ON LIST

Complaint for wrongful entry on list

20.—(1) On any day up to and including the fourteenth day before polling day an elector may file with the returning officer a complaint, on the prescribed form, that the name of a person who should not be included, has been included in the list of electors.

Notice to person objected to

(2) The returning officer, upon receipt of the complaint, shall send by registered mail to the person objected to at the address shown in the list and to such other address, if any, as may be mentioned in the complaint, a copy of the complaint along with a notice requiring such person or his representative to appear before the returning officer on a day to be named in the notice and a copy of the notice shall be given to the complainant.

Hearing of complaint

(3) On the day named in the notice and in the presence of any of the persons concerned with the complaint, the returning officer may hear an explanation by the person who filed the complaint as to the facts alleged and what is alleged by the

person or by the representative of the person against whom the complaint was made.

Decision

(4) The returning officer shall make such decision concerning the complaint as is warranted under the circumstances and that decision shall be final.

REVISION

Application for additions, corrections, etc., to list

21.—(1) Up to and including the day immediately preceding polling day, the returning officer shall consider all applications concerning the list of electors or the polling list with regard to the application for a proxy certificate, addition of a name, the correction of an error or the deletion of a name and his decision is final.

Revision assistants

(2) The returning officer may appoint his election clerk to assist him and, subject to the approval of the Chief Election Officer, may appoint additional revision assistants to act in the returning office or at other fixed locations and every such assistant shall have the same qualifications as the returning officer and the same powers at the revision as the returning officer.

Revising agents

(3) The returning officer may, subject to the approval of the Chief Election Officer, appoint two persons as revising agents for the purpose of enumerating qualified electors of a particular area, section or building containing multiple dwelling units within the electoral district who were missed by the enumerators.

Oath

(4) Every such assistant or agent appointed under subsection (2) or (3) upon being appointed shall take the prescribed oath.

Grounds must be sufficient

(5) Before making any addition, correction or deletion in the list of electors, the returning officer shall be satisfied that the applicant has provided sufficient grounds for the action requested and that the person appearing before him understands the effect of any statements made in the application.

Procedure where application refused

(6) If it appears to the returning officer that an application under subsection (1) should be refused, the decision shall be endorsed on the application along with his reasons and the applicant informed.

Irregularity not to affect result of election

(7) An irregularity in the preparation or revision of the list of electors is not a ground for questioning the validity of an election.

Interpreter where necessary

(8) Where the returning officer or his revision assistant does not understand the language spoken by an applicant or where the applicant is deaf, the applicant has the right to the assistance of an interpreter who, after taking the prescribed oath, may translate any necessary declarations, documents or lawful questions put to the applicant and the answers, but in the event of inability to secure an interpreter, the application may for the time being, be refused.

List of persons issued certificate

(9) The returning officer shall, on request made to him, provide to each candidate of a registered party a list of persons to whom a certificate to vote has been issued up to the time the request is made.

Certificate to be presented

(10) A person added to the polling list under section 22 or 24 must present a certificate to vote, signed by the returning officer or revision assistant, to the deputy returning officer at the polling place in order to receive a ballot and to vote.

Deletion of name from list

(11) A person whose name appears in a list of electors and who wishes to have the entry related to him deleted, must appear before the returning officer and complete a declaration to that effect.

ADDITIONS

Application for certificate to vote

22.—(1) Up to and including the day immediately preceding polling day, for the purpose of obtaining a certificate to vote, an elector whose name does not appear in the list of electors may apply in person to the returning officer or his assistant as set out in section 21 or have some other person apply on his behalf and by statutory declaration substantiate his identity and qualifications as an elector.

For whom elector may act

(2) An elector acting on behalf of another under subsection (1) may do so for his child, grandchild, brother, sister, parent, grandparent or spouse but may act for only one additional person and a person who is not an elector may act for only one elector.

CORRECTIONS

Corrections to list

23.—(1) The returning officer or his assistant, as set out in section 21, shall consider all applications for correction of mistakes in names or addresses in the list of electors and upon satisfactory evidence being furnished to him may make the necessary corrections.

Mistake in name, etc.

(2) A mistake in the name or the address of an elector shown in the polling list is not a ground for questioning the

eligibility to vote of the elector, provided that at the time of voting the elector takes the prescribed oath, if required to do so by the deputy returning officer.

TRANSFERS

Change of residence

24.—(1) Up to and including the day immediately preceding polling day, an elector whose name appears on a polling list for the pending election and who has moved may apply in person to the returning officer or his assistant as set out in section 21 or have some other person apply on his behalf to have his name included in the polling list for the polling division where he now resides.

Proxy voters, election officials

(2) Where an elector whose name appears on a polling list for the polling division where he resides and,

(a) has appointed a proxy voter whose name appears on a different list in the same electoral district; or

(b) has been appointed,

(i) to cast a proxy vote at a polling place other than his own but in the same electoral district, or

(ii) to act as a deputy returning officer, poll clerk or scrutineer at a polling place other than his own but in the same electoral district,

an application may be made to the revising official for a certificate to vote at the other polling place.

Notice of transfers

(3) The revising official whenever possible, shall advise the returning officer of the original electoral district, if applicable, or the deputy returning officer of the original polling place of any transfer made.

POLLING LISTS

Official polling list

25.—(1) The returning officer shall prepare the official polling list for each polling division by attaching to a copy of the original list of electors, a copy of any additional lists of electors prepared under his direction.

Copy to D.R.O.'s

(2) The returning officer shall certify and supply a copy of the official polling list to each deputy returning officer for use at the advance polls and on regular polling day.

CANDIDATES

Who may be candidate

26.—(1) Every person is qualified to be a candidate who, at the time of signing the consent to nomination,

(a) is of voting age;

(b) is a Canadian citizen or other British subject;

(c) has resided in Ontario for the twelve months next preceding polling day; and

(d) is not disqualified by the *Legislative Assembly Act* or by any other Act. R.S.O. 1980, c. 235

Re-enactment of (1) (b,c)

(2) Clauses (1) (b) and (c) are repealed and the following substituted therefor:

(b) is a Canadian citizen;

(c) has resided in Ontario for the six months next preceding polling day.

Effective date of re-enactment

(3) Subsection (2) does not come into force until the 1st day of July, 1986.

Who may not be candidate

(4) No person who has been engaged as a returning officer, election clerk, enumerator or revision assistant at the revision of any list of electors to be used at the election, is eligible as a candidate.

Idem

(5) No person who has been found guilty within eight years of an election of a corrupt practice or of an offence relating to an election is eligible to be a candidate at the election.

Right of candidate to undertake duties of scrutineer

(6) A candidate may undertake any of the duties that his scrutineer might have undertaken if appointed, or may assist his scrutineer in the performance of such duties, and may be present at any place at which his scrutineer may attend in pursuance of this Act.

CLOSE OF NOMINATIONS

Time for close of nominations

27.—(1) The close of nominations of candidates shall be 2 p.m. of the day stated as such in the writ of election.

Procedure on nomination day

(2) One hour before the close of nominations, the returning officer shall make or cause to be made a pronouncement in the prescribed form and shall read or cause to be read publicly the writ of election.

Separate nomination papers, etc.

(3) A candidate may be nominated in one electoral district only and each candidate shall be nominated by a separate nomination paper which shall include or be accompanied by his consent in writing to the nomination.

Contents of nomination papers

(4) The nomination paper of a candidate shall state his name and address of residence and shall be signed by, or accompanied by the signatures of at least twenty-five electors of the electoral district and an elector may sign the nomination papers of more than one candidate.

Deposit

(5) A deposit of $200 in cash or by cheque made payable to the Chief Election Officer shall be handed to the returning officer at the time the nomination paper is filed.

Refund

(6) Where a candidate receives at least 10 per cent of the valid ballots cast at the election, the deposit under subsection (5) shall, in the case of a cash deposit, be refunded to the candidate and, in the case of a cheque, be refunded to the issuer of the cheque.

How name to be shown on ballot

(7) Subject to subsection (8) and to subsections 34 (2) and (5), at the time of filing his nomination papers, a candidate shall state in writing to the returning officer how he wishes his name to be shown on the ballot.

Similarity of names

(8) Where the given names and surname requested to be shown on the ballot are identical or so nearly identical so as to create the possibility of confusion with the names requested to be shown on the ballot by another candidate whose nomination paper has already been submitted or certified, the returning officer shall immediately communicate the facts to the candidates and to the Chief Election Officer who shall consult with the candidates in question and resolve how each name is to be shown on the ballot, and the Chief Election Officer shall before 2 p.m. on the day following the day set for the close of nominations advise the returning officer how the names are to be shown on the ballot.

Registration under R.S.O. 1980, c. 134

(9) The nomination paper shall include or be accompanied by either a statement by the candidate that he has filed, or an undertaking by the candidate that, prior to polling day, he will file an application for registration with the Commission on Election Contributions and Expenses under the *Election Finances Reform Act*.

When nomination papers to be filed

(10) The nomination paper shall be filed with the returning officer at his office at any time during the seven days immediately preceding closing day or at any time up to the close of nominations on that day.

Certificate of R.O. as to regularity

(11) Where the nomination paper is filed with the returning officer during the seven days immediately preceding, or not later than 11 a.m. of the closing day, the returning officer shall then and there examine the paper and, if he is satisfied of the regularity thereof, he shall so certify in writing, and his certificate is final, and the validity of the nomination is not open to question upon any ground whatsoever.

Nomination paper

(12) Where the nomination paper is filed with the returning officer after 11 a.m. of the closing day and before the time fixed for the close of nominations,

acceptance

(a) the returning officer shall accept and examine the nomination papers; and

rejection

(b) if on examination of the nomination paper it appears to the returning officer that the nomination is invalid for any reason, he shall communicate the facts to the candidate and to the Chief Election Officer but shall not reject the nomination unless the Chief Election Officer authorizes the rejection not later than 2 p.m. on the day following, in which case the returning officer shall give notice of the rejection immediately by registered mail to the rejected candidate and all other candidates.

Candidate need not be present

(13) It is not necessary for a candidate to be present when his nomination paper is filed with the returning officer.

Receipt

(14) The returning officer shall issue a receipt for any nomination paper accepted by him under subsections (11) and (12).

Election by acclamation

28. If, at the close of nominations, only one candidate has filed a nomination paper, the returning officer shall close the election and declare such candidate to be duly elected and shall make his return to the Chief Election Officer as provided by section 80.

NOTICE OF POLL

Grant of poll

29.—(1) If more than one candidate is nominated, the returning officer shall grant a poll for taking the votes.

Notice of grant of polls

(2) The returning officer shall cause the prescribed notice of poll to be printed and the notice shall be posted in conspicuous public places in the electoral district and at least one copy shall be posted at each polling place on the days of the advance poll and the general poll.

WITHDRAWAL OF CANDIDATE

Withdrawal of candidate after nomination

30.—(1) A candidate may withdraw at any time between filing his nomination paper and polling day by delivering to the returning officer the prescribed notice of withdrawal signed by himself in the presence of a subscribing witness.

Idem

(2) In the case of a candidate withdrawing after the close of nominations his deposit is forfeited and,

(a) if there remains but one candidate, the returning officer shall close the election and declare the remaining candidate to be duly elected and shall make his return to the Chief Election Officer as provided by section 80; or

(b) if there remains two or more candidates and only if the ballots have been printed, the returning officer, if possible, shall cause every deputy returning officer to be notified forthwith of the withdrawal, and notice of the withdrawal shall be posted in a conspicuous place in every polling place in the electoral district, and any ballots cast for such candidate who has so withdrawn are void and shall be considered as rejected ballots.

DEATH OF CANDIDATE

Death of candidate

31.—(1) If a candidate dies after being nominated and before the close of the poll, the returning officer shall suspend the election and the Chief Election Officer shall fix new days for the nomination of candidates and for polling in that electoral district but any certified nominations may, at the option of the candidate nominated, remain valid.

Return of deposit on death of candidate

(2) The deposit of a candidate who dies before the close of the poll shall be returned to the personal representative of the candidate.

SCRUTINEERS

Appointment of scrutineer

32.—(1) A candidate or a person designated in writing by him, which designation is filed with the returning officer, may appoint any person at least sixteen years of age to be a scrutineer for the candidate and to be present at any place at which a scrutineer may attend under this Act.

When scrutineer may not challenge

(2) A scrutineer who is not an elector may not challenge the right to vote of any elector at a polling place.

(3) Not more than one scrutineer for each candidate at any one time shall be permitted to remain in the polling place during the time the poll is open, and at the counting of the votes. Number of scrutineers in polling place

(4) Where expressions are used in this Act that require or authorize any act to be done in the presence of the scrutineers of the candidates, the non-attendance of any scrutineer does not invalidate the act. Non-attendance of scrutineers

BALLOT PAPER

33.—(1) The paper used for printing the ballots shall be as approved and ordered by the Chief Election Officer and shall be manufactured to contain a special thread or watermark so placed as to run through each ballot. Ballot paper

(2) The manufacturer of the paper shall make a declaration that none of the paper so manufactured will be supplied to any person other than the Chief Election Officer and upon delivery of the paper the Chief Election Officer shall cause the number of sheets received to be counted and a receipt issued to the manufacturer. Declaration by manufacturer

(3) The ballot paper shall be kept under lock and key in the custody of the Chief Election Officer. Custody of ballot paper

BALLOTS

34.—(1) All ballots shall be of the same description and as nearly alike as possible. Uniformity

(2) The names of the candidates shall be shown in capital letters on the ballot in order of their legal surnames, and, subject to subsection 27 (8), alphabetically arranged, with given names preceding the surnames, with the surnames in bold type, and with consecutive numbers preceding each candidate's name, and at his request any sobriquet or an abbreviation or familiar form of a given name may be used in lieu of a candidate's legal given name or names. Form of ballot

(3) A circular space shall be shown on the ballot horizontally aligned with each candidate's name. Idem

(4) The circular spaces, numbers, names of the candidates and any other information required under subsection 27 (8) shall be the natural colour of the ballot paper and the remainder of the face of the ballot shall be black. Idem

Idem

(5) Subject to subsection 27 (8), there shall not be included with any candidate's name on the ballot any occupation, title, honour, decoration, degree, brackets or quotation marks.

Numbering of ballots

(6) The ballots shall be numbered consecutively on the stubs and shall be stapled or stitched into units as determined by the returning officer.

Printing of ballots

35.—(1) The Chief Election Officer or the returning officer shall cause to be printed on the approved paper a sufficient number of ballots for the election in the electoral district.

Printer's name, etc.

(2) The ballots shall bear upon the back the name of the electoral district, the date of polling and the name of the printer, and the printer shall provide to the returning officer the prescribed affidavit as to the number of sheets of ballot paper received and the disposition thereof including the total number of ballots printed and delivered to the returning officer.

Count of ballots and affidavit

(3) The returning officer shall immediately make a count of the ballots received from the printer and shall take the prescribed affidavit and forward it to the Chief Election Officer along with the affidavit referred to in subsection (2).

Supply to D.R.O.

36.—(1) The returning officer shall supply each deputy returning officer before the polling day with a ballot box, a certified copy of the polling list, the materials provided by the Chief Election Officer necessary for the proper conduct of the poll and a sufficient number of ballots for the electors at the polling place.

Record of quantity of ballots provided

(2) The returning officer shall specify in writing to each deputy returning officer the quantity of ballots provided and record their serial numbers and the record shall be forwarded to the Chief Election Officer with the other documents required to be forwarded at the close of the election.

Count of ballots by D.R.O.

(3) The deputy returning officer shall count and verify the quantity of ballots received from the returning officer and at the close of the poll forward a statement of such count to the returning officer along with the other poll documents and election material to be so forwarded.

BALLOT BOXES

Ballot boxes to be supplied

37.—(1) The Chief Election Officer shall supply each returning officer with as many ballot boxes as are required for the conduct of the election.

How made

(2) Every ballot box shall be so constructed and sealed that on polling day the ballots can be deposited therein but cannot be withdrawn without unlawfully unsealing the box or without evidence remaining of such tampering.

VOTING SCREENS

Voting screens to be furnished

38.—(1) The returning officer shall furnish each deputy returning officer with at least two voting screens.

Privacy when marking ballots

(2) The deputy returning officer shall ensure that the voting screens at the polling place are positioned so that electors may mark their ballots with maximum privacy and without other persons being able to see how they are marked.

One elector only at a time

(3) Except as provided by sections 14 and 55, not more than one elector shall be permitted to use a voting screen at any one time.

POLL OFFICIALS

Nomination of D.R.O. and poll clerk

39.—(1) At least seven days before polling day, lists of names of electors in the electoral district who are not candidates may be furnished to the returning officer,

(a) as potential deputy returning officers, by the candidate of the registered party represented by the government of the day; and

(b) as potential poll clerks, by the candidate of a different political interest, the candidate for which at the next preceding provincial election received the highest number of votes or the next highest number of votes, as the case may be.

Appointment of D.R.O. and poll clerk

(2) From the lists furnished to him as provided by subsection (1), the returning officer shall select and appoint a deputy returning officer and a poll clerk for each polling place so that they represent two different political interests.

Insufficient nominations

(3) If sufficient names from which to select and make the appointment of the poll officials have not been received, the returning officer shall make such appointments as are necessary.

Oath

(4) Deputy returning officers and poll clerks before acting shall take the prescribed oath and their appointment shall be endorsed upon or attached to the poll record.

Duties of poll clerk

(5) As directed by the deputy returning officer, the poll clerk shall assist the deputy returning officer in the performance of the duties of his office and shall obey his orders.

Forfeiture of right to payment

(6) Deputy returning officers or poll clerks who neglect, omit or refuse to perform any of their duties under this Act may forfeit their right to payment for any service already rendered.

Death or absence of D.R.O.

(7) In case of the death, illness, absence, refusal or neglect to act, or in case from any cause the deputy returning officer becomes unable to perform his duties, until another deputy returning officer is appointed, the poll clerk shall act as deputy returning officer and perform all the duties and is subject to all the obligations of that office, without taking a new oath.

TIME OF GENERAL POLL

Hours of polling generally

40.—(1) Except as provided by subsections (2), (3) and (4), the general polls at every election to the Assembly shall open at 9 a.m. and close at 8 p.m. of the same day.

In Central Time Zone

(2) In an electoral district that lies entirely west of the meridian of 90° W. longitude the general polls shall open at 8 a.m. and close at 7 p.m. of the same day.

C.E.O. may establish different hours

(3) The Chief Election Officer may at his discretion establish any period of eleven consecutive hours on the general polling day for voting in an electoral district or part thereof.

When voting not commenced or interrupted

(4) If for any reason, voting at a polling place is not commenced at the proper time or is interrupted during the polling hours, the Chief Election Officer shall be advised by the returning officer and at his discretion, the Chief Election Officer shall,

(a) extend the closing time; or

(b) resume the polling on the following day at 9 a.m. and continue the same from day to day if necessary, until the poll has been open with free access to the electors for eleven hours in total.

PRESERVATION OF THE PEACE

Assistance by justices and police officers

41. A returning officer or deputy returning officer may require the assistance of justices of the peace, police officers and other persons to aid him in maintaining peace and order at the election and may appoint as many such other persons as he considers necessary.

SECRECY OF PROCEEDINGS

Who may be in polling places

42.—(1) In addition to any elector or electors in the process of voting, except as provided by sections 4, 7, 14, 44 and 55, the only persons permitted to remain in a polling place during the time the poll remains open and at the counting of the ballots are the deputy returning officer, the poll clerk, the candidates and not more than one scrutineer for each candidate at any one time.

Oath of secrecy

(2) Every deputy returning officer, poll clerk, candidate or scrutineer authorized to attend at a polling place shall take an oath of secrecy.

Interference with electors

(3) No person shall attempt to obtain at a polling place information as to the candidate for whom an elector is about to vote or interfere or attempt to interfere with an elector in a polling place.

Elector not to display ballot

(4) Subject to sections 14 and 55, an elector shall not display his ballot to any person so as to indicate how he has voted.

Inducing elector to display ballot

(5) No person shall, directly or indirectly, induce or attempt to induce an elector to display his ballot to any person so as to indicate how he has voted.

Communicating information as to how elector is voting

(6) No person shall communicate any information obtained at a polling place as to the candidate for whom an elector is about to vote or has voted or whether he declined to vote.

No person compellable to disclose his vote

(7) In any legal proceedings no person may be compelled to state for whom he voted or whether he marked his ballot or not.

VOTING AT ONE PLACE ONLY

Person to vote in one division only

43. If the name of a person entitled to vote is entered on the polling list for more than one polling division he shall nevertheless vote only at one polling place.

ADVANCE POLLS

Advance polls

44.—(1) For the purpose of receiving the votes of electors who expect to be unable to vote on polling day in the electoral district for which their names appear on the polling list or on certificates to vote, advance polls shall be open,

(a) in an office of the returning officer, provided that the ballots have been printed, on the 12th, 10th, 9th, 8th, 6th and 2nd day preceding polling day; and

(b) at designated other locations on the Thursday, Saturday and Monday immediately preceding polling day.

Advance polling places

(2) The returning officer shall provide as many advance polling places under clause (1) (b) as are approved by the Chief Election Officer and shall select locations which give access to wheelchairs.

Time of poll

(3) The advance polls in an electoral district shall be open from 11 a.m. to 8 p.m. or during such hours as are determined by the Chief Election Officer.

Notice of polls

(4) At least three days prior to the first advance poll day under clause (1) (a), the returning officer shall cause a notice of the days, times and locations of the advance polls to be published in a sufficient number of newspapers to provide coverage throughout the electoral district.

Declaration

45.—(1) Every person offering himself as a voter at the polling place shall be required, before being allowed to vote, to take the prescribed declaration which shall be kept by the deputy returning officer with the other records of the poll.

List of electors who have voted

(2) Forthwith after the close of the poll each day, the deputy returning officer shall provide to the returning officer a list of the names, addresses and polling division numbers of all electors who have voted or forfeited their right to vote and the returning officer before polling day shall furnish every candidate in the electoral district with a copy of such list.

Noting other D.R.O. lists

(3) The returning officer shall indicate in the polling list to be supplied to each deputy returning officer for polling day the name of each elector who at the advance poll has voted or forfeited his right to vote.

Candidates and scrutineers

(4) Candidates or their scrutineers are not entitled to be present when votes are cast at an advance poll held in the office of a returning officer.

Counting of ballots

(5) On the general polling day, the deputy returning officer and the poll clerk shall, at the hour fixed for the closing of the general poll, and in the presence of such of the candidates or their scrutineers as are present, proceed to count the ballots cast.

Application

(6) Except as in this section otherwise provided, the provisions of this Act relating to secrecy of proceedings, voting procedures, counting of the ballots and the reporting of the results apply with necessary modifications to voting under this section.

Vouching not to apply at advance poll

(7) The vouching provisions of section 51 do not apply at an advance poll.

PROCEDURE AT THE POLL

Attendance of D.R.O. and poll clerk at polling place

46.—(1) The deputy returning officer and poll clerk shall attend at the polling place at least thirty minutes before the hour fixed for opening the poll.

Counting ballots at opening of poll

(2) Any scrutineers present during the fifteen minutes before the opening of the poll are entitled to have the ballots counted in their presence and to inspect all other materials relating to the poll.

D.R.O. to show box empty, then seal it

(3) The deputy returning officer immediately before opening the poll shall show the empty ballot box to any persons present and shall then seal the box as prescribed by the Chief Election Officer in such manner as to prevent its being opened without breaking the seals.

Placement of ballot box

(4) Except as provided in subsection 14 (2) and subsection (5) of this section, the deputy returning officer shall then place and keep the ballot box on a desk, counter or table or otherwise position it above floor level in full view of all present and shall keep it sealed until the close of the poll.

When ballot box may be moved

(5) The ballot box may be moved by the poll officials to facilitate voting by an elderly or disabled elector but where the box is so moved it may be accompanied by any scrutineer present and a record of any such action and any objection taken by a scrutineer shall be made in the poll record opposite the name of the elector.

Statement of name, etc., by elector

47.—(1) Every elector upon entering the room or area where the poll is being held shall state his name and place of residence to the deputy returning officer, which particulars shall be entered in the poll record by the poll clerk.

D.R.O. to initial back of ballot

(2) Every elector who is entitled to vote shall receive from the deputy returning officer a folded ballot on the back of which the deputy returning officer has previously put his initials, so placed that when the ballot is refolded they can still be seen and upon the request of the elector, the deputy

returning officer shall instruct the elector in the manner of marking and how to refold the ballot.

Where oath may be required

(3) If a deputy returning officer has reason to believe that a person offering to vote is not an elector or has already voted, or is attempting to vote under a false name or designation or is personating or representing himself falsely as being upon the list, or when requested by a candidate or a scrutineer who is an elector, the deputy returning officer shall administer the prescribed oath to the elector.

Where elector alleges he has been personated

(4) If a person representing himself to be an elector applies for a ballot after another person has voted as such elector, he is entitled to receive a ballot after taking the prescribed oath and otherwise establishing his identity to the satisfaction of the deputy returning officer, and a note shall be made in the poll record to that effect and of the oath having been taken and of any objections made on behalf of any, and of which, of the candidates.

Elector refusing to take oath

(5) An elector who has refused to take an oath when required so to do forfeits his right to vote.

Entry to be made in poll record

(6) The poll clerk shall indicate in the poll record opposite the name of each elector, as applicable, if an oath was administered or refused.

MARKING A BALLOT

Mode of marking ballot

48.—(1) The elector on receiving a ballot shall forthwith proceed to one of the voting screens and there, using a pencil or pen indicate the candidate of his choice by marking one of the circular spaces on the ballot with a cross or other mark in any colour.

Mode of folding and depositing ballot

(2) The elector shall then refold his ballot so that the initials on the back are visible and hand it to the deputy returning officer who shall without unfolding it ascertain by examining his initials that it is the same ballot issued to the elector and shall then, in full view of all present, including the elector, place it in the ballot box, and thereupon the poll clerk shall indicate in the poll record that the elector has voted.

Elector to leave polling place after voting

(3) An elector whose ballot has been placed in the ballot box shall be deemed to have voted and shall forthwith leave the polling place.

CERTIFICATE OF ERROR

Certificate of error

49. The returning officer may certify for addition to the polling list, the name of any elector omitted in error,

(a) upon the elector producing to the returning officer or to the deputy returning officer proof of enumeration; or

(b) upon the returning officer being satisfied that such person was enumerated or was added at the revision,

and the returning officer shall furnish each candidate with a list of such certifications.

VOTING CERTIFICATES

Surrender of certificate

50.—(1) An elector voting under the authority of a certificate issued by the returning officer or revision assistant shall surrender it to the deputy returning officer at the polling place before receiving a ballot.

Entry in poll record

(2) The deputy returning officer or poll clerk shall record in the poll record, opposite the name of the elector, the words "voted under certificate" and shall file the certificate in the envelope of election documents to be returned to the returning officer.

VOUCHING

Where elector's name omitted in rural polling division

51.—(1) In a rural polling division, other than at an advance poll, an elector whose name was omitted from the polling list, may apply to the deputy returning officer to have his name added to the list and his name shall be added,

(a) if he takes the prescribed oath as to his eligibility to vote; and

(b) if he is accompanied by an elector who is a resident in the same polling division and whose name is on the polling list and who vouches on oath that,

(i) he knows the person whose name has been omitted, and

(ii) he believes such person to be qualified to be entered on the list.

May vouch for more than one elector

(2) An elector vouching, as provided by subsection (1), may do so for more than one elector.

Name to be added to list

(3) The deputy returning officer after taking the prescribed oath shall cause the applicant's name to be added to the polling list and entered in the poll record with the words "vouched for" written thereafter.

Right to vote

(4) The applicant, upon taking the oath and being vouched for, is entitled to vote.

BALLOT TAKEN FROM POLL

Elector not to take ballot from polling place

52. An elector who has received a ballot shall not take it out of the polling place and any elector who leaves without delivering the ballot to the deputy returning officer forfeits his right to vote and the deputy returning officer shall cause an entry to be made in the poll record that the elector took his ballot out of the polling place.

DECLINED BALLOT

Declined ballot

53. An elector who has received a ballot and returns it to the deputy returning officer declining to vote, forfeits his right to vote and the deputy returning officer shall immediately write the word "declined" upon the back of the ballot and preserve it to be returned to the returning officer and shall cause an entry to be made in the poll record that the elector declined to vote.

CANCELLED BALLOT

When ballot may be replaced

54. A ballot that,

(a) has been improperly printed;

(b) has been inadvertently dealt with in such manner that it cannot be used; or

(c) has been issued to an elector who has marked it other than how he intended to mark it or for any reason objects to it and returns it to the deputy returning officer requesting another,

may be replaced with another ballot by the deputy returning officer who shall immediately write the word "cancelled" upon the back of the first ballot and preserve it to be returned to the returning officer and shall cause an entry to be made in the poll record stating the reason for cancelling the ballot.

DISABLED ELECTORS

Disabled elector

55.—(1) On the application of any elector who is unable to read or who is disabled and thereby prevented from voting in accordance with the other provisions of this Act, the deputy returning officer may assist the elector to the voting screen or if the elector making the application takes an oath as to his inability to vote without assistance, shall thereafter assist the elector at the voting screen by marking his ballot in the manner directed by the elector in the presence of the poll clerk and of no other person, and place the ballot in the ballot box.

Ballot marked by friend

(2) The deputy returning officer shall either deal with an elector mentioned in subsection (1) in the manner provided therein or, at the request of such elector who has taken the prescribed oath and is accompanied by a friend, shall permit the friend to accompany the elector to the voting screen and there mark the elector's ballot for him.

Declaration to be made by friend

(3) Any friend who is permitted to mark the ballot of an elector under subsection (2) shall first be required to take an oath that he will keep secret the name of the candidate for whom the ballot was marked.

May act as friend once only

(4) No person shall be allowed to act as the friend of more than one elector mentioned in subsection (1) at any polling place, other than a polling place established under section 14.

Entry in poll record

(5) The deputy returning officer shall enter in the poll record opposite the elector's name the reason why the ballot was marked by him or by a friend of the elector.

INTERPRETER AT THE POLL

When language spoken by elector not understood

56. Where neither the deputy returning officer nor the poll clerk understands the language spoken by an elector or where the elector is deaf, the elector has the right to the assistance of an interpreter who, after taking the prescribed oath, may translate any necessary declarations, documents or lawful questions put to the elector and the answers, but in the event of inability to secure an interpreter, the elector shall, for the time being, be refused a ballot.

COUNTING THE BALLOTS

Duties of D.R.O. at close of poll

57.—(1) Immediately after the close of the poll, the deputy returning officer shall count the number of electors who appear by the poll record to have voted and on such record shall enter that number and draw a bold double line immediately below the name of the elector who voted last, and shall

sign his name thereto, then, in the presence and in full view of the persons entitled to be present, as set out under subsection 42 (1), he shall open the ballot box and proceed to count the number of valid ballots cast for each candidate and all other ballots therein giving full opportunity to those present to see each ballot and observe the procedure.

What may be accepted as valid ballot

(2) Only a ballot which was supplied to the elector by the deputy returning officer and with only one of the circular spaces marked and upon which there is no writing or mark by which the voter can be identified shall be accepted as a valid ballot at the count.

Where ballot not to be rejected

(3) No word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot warrants its rejection.

Objections to be noted

(4) The deputy returning officer shall make a note in the poll record of every objection taken to a ballot by a candidate or scrutineer and shall decide the objection, subject to review as hereinafter provided.

Numbered and initialled

(5) Each objection shall be numbered and a corresponding number placed on the back of the ballot and initialled by the deputy returning officer.

How ballots to be counted

58.—(1) All accepted ballots indicating the votes given for each candidate respectively and all unmarked, rejected, cancelled, declined and unissued ballots shall be counted and sealed in separate envelopes by the deputy returning officer and the stubs of any ballots issued shall be included in the envelope with the unissued ballots.

Candidates and scrutineers may sign envelope

(2) Any candidates or scrutineers present may write their signatures across the flap of any envelope containing ballots and may also affix their seals.

STATEMENT OF THE POLL

Statement to be made by D.R.O.

59.—(1) The deputy returning officer shall complete a prescribed statement of the poll, accounting for all the ballots supplied to him by the returning officer, and the statement shall be signed by the deputy returning officer and poll clerk and may be signed by any candidate or scrutineer present.

Disposition of statements

(2) The deputy returning officer shall ensure that,

(a) one part of the statement is enclosed in a special envelope supplied for the purpose of the official tabulation;

(b) one part is placed in or attached to the poll record; and

(c) one part is retained by him.

CERTIFICATE OF COUNT

Certificate of result of poll

60. The deputy returning officer shall complete a prescribed certificate of the number of ballots cast for each candidate and of the number of rejected and unmarked ballots and shall provide a copy of the certificate for each candidate to the scrutineer present and in the case where no candidate or scrutineer is present the certificates shall be forwarded to the returning officer in the poll return envelope.

FINAL POLL PROCEDURE

Polling list, etc., to be placed in poll return envelope

61. The deputy returning officer and the poll clerk shall ensure that the poll record, polling list, ballot envelopes and all other documents collected or used at the polling place are placed in the poll return envelope and shall each take the prescribed oath that their duties have been completed.

Delivery of poll return envelope to R.O.

62.—(1) The deputy returning officer shall then personally deliver the sealed poll return envelope along with the sealed official tabulation envelope to the returning officer or both envelopes shall be delivered by the poll clerk or by some other person chosen as special messenger by the returning officer or the deputy returning officer who shall write on the envelopes the name of the person to whom they were entrusted and shall take a receipt therefor.

Candidate or scrutineer may affix seal

(2) Any candidate or scrutineer present may affix his seal or write his signature across the flap of the sealed poll return envelope or the sealed official tabulation envelope.

Registered mail

(3) In lieu of proceedings under subsection (1), the deputy returning officer, with the approval of the returning officer, may seal the official tabulation envelope inside of the poll return envelope and forward it by registered mail to the returning officer.

Delivery to be forthwith

(4) The poll clerk or other person authorized to personally deliver the envelopes to the returning officer shall do so forthwith and shall take before him the prescribed oath and any candidate or scrutineer is entitled to be present when the envelopes are so delivered to the returning officer.

RECEIPT OF POLL RETURN ENVELOPE BY RETURNING OFFICER

R.O. to seal poll return envelope

63. Immediately on the receipt of a poll return envelope, without effacing or covering any seals already affixed to it, the returning officer shall affix a seal prescribed by the Chief Election Officer in such a way that the envelope cannot be opened without the seal being broken and shall take every precaution for its safekeeping and for preventing any person other than himself and the election clerk from having access to it.

OFFICIAL TABULATION

Conduct of official tabulation by R.O.

64.—(1) The returning officer, at the place, day and hour stated in his notice of poll shall, in the presence of the election clerk and any candidate or candidate's delegate or scrutineer present, conduct the official tabulation by adding up the votes given for each candidate as taken from the official statements of the poll contained in the special envelopes returned to him or from such other sources as may be available to him but without opening any of the sealed envelopes containing ballots.

Adjournment of official tabulation

(2) The returning officer may adjourn the official tabulation proceedings to a future day and hour and so on from time to time but not in the aggregate to exceed fourteen days,

(a) if any of the poll return envelopes or official tabulation envelopes have not been returned by the day fixed for the official tabulation;

(b) if any deputy returning officer has not enclosed in the envelopes referred to in clause (a) the official statement of the ballots counted by him as required by this Act; or

(c) if for any cause the returning officer cannot ascertain the number of votes given for each candidate.

Procedure when poll envelopes lost, statements not available, etc.

65. If, on the fifteenth day after the day fixed for the official tabulation,

(a) any of the poll return envelopes are known to be lost or destroyed or for any reason have not been received; or

(b) any statements or certificates of the ballot count at any polling places are not available and copies of them cannot be procured,

the returning officer shall ascertain, by such evidence or documents verified by declaration as he is able to obtain, the total number of votes given for each candidate at the several polling places and may summon any poll official, scrutineer or other person to appear before him, at a time and place to be named by him, with all necessary papers and documents and the returning officer shall notify the candidates of the intended proceedings and may examine any person so summoned respecting the matter in question.

Declaration of result

66.—(1) At the close of the official tabulation, or hearings in the case of missing envelopes or statements, the returning officer shall forthwith declare to be elected the candidate having the largest number of votes.

Casting vote

(2) If an equal number of votes is found to have been cast for two or more candidates and an additional vote would entitle one of them to be declared to be elected, the returning officer shall give the casting vote.

EFFECT OF IRREGULARITIES

Irregularities not affecting result

67. No election shall be declared invalid,

(a) by reason of any irregularity on the part of the returning officer or in any of the proceedings preliminary to the poll;

(b) by reason of a failure to hold a poll at any place appointed for holding a poll;

(c) by reason of non-compliance with the provisions of this Act as to the taking of the poll, as to the counting of the ballots or as to limitations of time; or

(d) by reason of any mistake in the use of the prescribed forms,

if it appears to the tribunal having cognizance of the matter that the election was conducted in accordance with the principles of this Act and that the irregularity, failure, non-compliance or mistake did not affect the outcome of the election.

RECOUNT

Notice

68. Notice in writing of an application to be made under subsection 70 (1) shall be given forthwith by the applicant personally or sent by registered mail to the Chief Election Officer, the returning officer and election clerk, and each candidate in the electoral district.

Interpretation

69.—(1) In this section and in sections 70 to 80, unless otherwise stated, "judge" means the judge of the county court of the county or of the district court of the provisional judicial district in which the electoral district or any part of it is situate and, where there are two or more judges, the senior judge or, in the case of illness or absence of the senior judge or where the senior judge requests him to act, another judge of the court.

What judge to hold recount when district in two or more counties

(2) Where the electoral district comprises parts of two or more counties or provisional judicial districts any application shall be to and the recount shall take place before the judge of the court of the county or provisional judicial district having the larger or largest population according to the last federal census.

Where recount may be had

70.—(1) For the purpose of determining the candidate who obtained the highest number of votes and within the four days, Sunday being excluded, following the official tabulation made by the returning officer, a judge may appoint a time and place to recount the votes cast at the election in the electoral district upon the application of a candidate or elector if it is made to appear by affidavit that,

(a) a deputy returning officer has improperly counted any ballot or improperly rejected any ballot or made an incorrect statement of the number of ballots cast for any candidate; or

(b) the returning officer has improperly tabulated the votes.

Security for costs

(2) An application under subsection (1) shall be accompanied by a receipt showing that there has been deposited with the clerk of the county or district court, as security for costs in connection with the recount, the sum of $200 or money order or cheque in that amount drawn upon and accepted by a chartered bank or trust company doing business in Ontario.

Notice

71. Where an application for a recount is refused by the judge, notice of such refusal shall be given forthwith by the clerk of the court to those persons mentioned in section 68.

Notice of time and place of recount

72.—(1) At least two days notice in writing of the time and place appointed for the recount by the judge shall be given forthwith by the clerk of the court to those persons mentioned in section 68 in such manner as the judge directs.

Presence of clerk of court

(2) The judge may require the clerk of the county or district court to be present at the time and place appointed.

Who to be present at recount

(3) The returning officer and the election clerk shall be present at the recount and each candidate is entitled to be present and to be represented by counsel and to have present and be represented by such scrutineers as are permitted by the judge, and except by such permission no other person shall be present.

Documents to be produced at recount

(4) The returning officer and the election clerk shall attend at the recount with all the poll return envelopes received from the deputy returning officers and the original statements of the poll which shall continue in the custody of the returning officer and he is responsible for them subject to any direction given by the judge.

Procedure by judge

(5) At the time and place appointed, the judge shall proceed to make the recount from the original statements of the poll or have opened the sealed envelopes containing,

(a) the ballots that have been counted for each candidate;

(b) the ballots rejected as to marking; and

(c) the ballots unmarked by any voters,

and may have opened the sealed envelopes containing,

(d) the cancelled ballots;

(e) the declined ballots; and

(f) the unissued ballots.

Rules to govern judge at recount

73. The judge shall conduct the recount of the ballots according to the rules of the count at the close of the poll by the deputy returning officer, and shall verify or correct the statements of the poll.

Distinguishing disputed ballots

74.—(1) If any person requests him to do so, the judge shall write the poll number on the back of and initial any disputed ballots and seal them in a separate envelope.

Sealing up ballots at close of recount

(2) Upon the completion of the recount, except as provided by subsection (1), the judge shall have sealed up all the ballots in their original envelopes and all the original statements in a separate envelope clearly marked as to its contents.

Review of decision of R.O. when documents missing

75.—(1) Where a poll return envelope used at a polling place was not available to the returning officer when he made his decision in respect of the number of votes given for a can-

didate or where the proper statement was not found in the official tabulation envelope, the judge shall, if necessary or required, review the decision of the returning officer.

Powers of judge

(2) For the purpose of arriving at the facts, the judge has all the powers of the returning officer with regard to the attendance and examination of witnesses or he may act upon the evidence taken by the returning officer.

When judge to certify result of recount

76.—(1) The judge shall certify in writing to the returning officer the result of the recount unless, during the two days following completion of his recount, Sunday being excluded, the judge receives a notice of appeal as provided in section 79.

Declaration of result

(2) Upon receipt of the judge's certificate, the returning officer shall then declare the candidate having the largest number of votes to be elected but in the case of an equality of votes, the returning officer shall give the casting vote.

Costs

77.—(1) The costs of the recount, including the costs of the returning officer and the election clerk, are in the discretion of the judge who may, subject to subsection (3), order by whom, to whom, and in what manner they shall be paid.

Taxing and allowing costs

(2) The judge shall tax the costs and shall, as nearly as may be, follow the tariff of costs in respect of proceedings in the Supreme Court.

Where judge makes no provision re costs

(3) Where the judge makes no provision as to costs, the costs of the returning officer and election clerk shall be paid by the Province of Ontario at the prescribed rates.

Deposits, disposal of

78. Where costs are directed to be paid by the applicant, the moneys deposited as security for costs shall be paid out to the party entitled thereto, so far as necessary, and, if the deposit is insufficient, execution may issue out of the court of the county or judicial district upon the judge's order for the balance.

APPEAL FROM DECISION ON RECOUNT

Appeal from decision of judge

79.—(1) Any party may appeal from the decision of the judge who conducted the recount by giving notice in writing within two days after the completion of the recount to the other parties concerned and to the judge of his intention to appeal, and he may by the notice limit the appeal to specified ballots.

Service of notice of appeal

(2) The notice may be served upon the other parties personally, or upon the solicitor who acted for him upon the

recount by the judge, personally or at his office, or as a judge of the Supreme Court may direct.

Ballots, etc., to be forwarded to Registrar of Supreme Court

(3) Where the appeal is limited, the judge who conducted the recount shall forward, in the envelope as provided for in subsection 74 (1), the ballots that are the subject of appeal together with the notice and a certificate showing his findings as to the ballots in dispute, by registered mail to the Registrar of the Supreme Court, but, if the appeal is not limited, the judge shall forward all the ballots and other papers to the Registrar, and in either case he shall await the result of the appeal before sending his certificate to the returning officer.

Allowing copy of certificate of judge

(4) The judge who conducted the recount shall, upon request, allow each party to make a copy of the certificate of his findings before it is forwarded to the Registrar.

Appointment for hearing of appeal

(5) On receipt of the ballots and notice, the Registrar shall forthwith obtain an appointment from a judge of the Supreme Court for hearing the appeal and shall notify the parties or their solicitors of the time so appointed.

Procedure on hearing of appeal, certificate of result

(6) At the time appointed, the judge of the Supreme Court shall recount the ballots or such of them as are the subject of appeal, and shall forthwith certify his decision to the judge who conducted the recount, whose duty it is to conform to the decision and to certify the result without delay to the returning officer.

Costs of appeal

(7) The judge of the Supreme Court may direct by whom and to whom the cost of the appeal, including the costs of the returning officer and the election clerk, shall be paid.

Taxing and allowing costs

(8) The judge of the Supreme Court shall tax the costs of the appeal.

Idem

(9) Where the judge of the Supreme Court makes no provision as to costs, the costs of the returning officer and election clerk shall be paid by the Province of Ontario at the prescribed rates.

ELECTION RETURN

When return to be made

80.—(1) If a candidate has been declared elected by the returning officer as provided by section 28 or 30, or if the returning officer has received from a judge the certificate of the result of a recount or if by the seventh day following the completion of the official tabulation the returning officer,

(a) has not received notice to attend before a judge for a recount; or

(b) has received notice from a judge that a recount has been refused,

the returning officer shall send by registered mail, the writ with his dated and signed return to the Chief Election Officer that a candidate has been elected by acclamation or that the candidate having the largest number of votes has been duly elected and shall forward a copy of his return to each candidate.

Report by R.O.

(2) The returning officer shall include with his return to the Chief Election Officer a report of the proceedings at the official tabulation making any observations he thinks proper as to the state of the poll return envelopes or the want of any statement of the ballots counted and the mode by which he ascertained the votes given for each candidate under section 65, if applicable.

Declaration by R.O.

(3) The returning officer shall forthwith make the prescribed affidavit after sending his return, and it shall be sent forthwith to the Chief Election Officer.

Application to compel R.O. to add up votes, make return, etc.

81.—(1) If a returning officer wilfully delays, neglects or refuses,

(a) to add up the votes;

(b) to declare to be elected the candidate having the largest number of votes;

(c) to give his casting vote where he is by law required to do so; or

(d) to make the return, as required by this Act, of the candidate having the largest number of votes,

R.S.O. 1980, c. 224

and the person aggrieved or the Chief Election Officer or any elector applies under the *Judicial Review Procedure Act* for an order commanding the returning officer to perform the duty that is shown to have been not performed, the notice of motion shall be served upon the returning officer and upon the persons who were candidates at the election.

Application of R.S.O. 1980, c. 223

(2) In other respects the *Judicature Act* and the rules of court made thereunder apply to such application.

(3) Nothing in this section affects or impairs any other right or remedy of the person aggrieved or of the Chief Election Officer. Other rights and remedies

82. The Chief Election Officer, on receiving the return of a member elected to the Assembly, shall give notice of the receipt of the return in the next ordinary issue of *The Ontario Gazette*, the date of such receipt and the name of the candidate elected. Notice of return in *Ontario Gazette*

DISPOSITION OF ELECTION DOCUMENTS AND MATERIAL

83.—(1) Forthwith after making his return, the returning officer shall arrange for shipment in the prescribed manner to the Chief Election Officer of all envelopes returned to him by the deputy returning officers, and all documents, papers, and materials in his possession relating to the conduct of the election but excluding those related to enumeration which shall be destroyed. Shipment to C.E.O. of election documents

(2) The returning officer shall transmit all election material to the Chief Election Officer in boxes or packages marked "Used" or "Unused" and secured and sealed with the prescribed seals and the returning officer shall endorse on each box or package of used material a description of the contents, the date of the election and the name of the electoral district to which they relate. Endorsement thereon

84.—(1) The Chief Election Officer shall retain in his possession the used documents transmitted to him by the returning officer under section 83 for at least one year, and if the election is contested, then for one year after the termination of the contestation. How long to be retained

(2) If notice is served on the Chief Election Officer under subsection 98 (6) or if an order is made directing that documents relating to an election are not to be destroyed, he shall affix to the outside of the box or covering containing such documents a label having thereon in large and distinct letters the words "NOT TO BE DESTROYED". When documents not to be destroyed

85.—(1) All documents forwarded by a returning officer in pursuance of this Act to the Chief Election Officer, other than ballots, shall be open to public inspection at such time and under such conditions and rules as are made by him, and he shall supply copies of or extracts from the documents to any person demanding them on payment of the prescribed fee, and in computing the number of words a figure shall be counted as a word. Inspection of documents

Inspection of ballots only under order of judge

(2) No person shall be allowed to inspect any ballot in the custody of the Chief Election Officer except under an order of a judge of the Supreme Court.

When order to be granted

(3) The order may be made on the judge being satisfied by affidavit or other evidence on oath that the inspection or production of the ballot is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballots or for the purpose of an action questioning an election or return.

Conditions of order

(4) The order may be made subject to such conditions as the judge thinks proper.

Where inspection takes place

(5) Subject to the order, the inspection shall take place under the immediate supervision of the Registrar of the Supreme Court, and he shall be present during the inspection, and, so long as the ballots are in the custody of the Registrar and not under inspection, they shall be kept in a secure place under lock and key.

Evidence as to documents, etc., in certain cases

86. Where an order is made by a judge of the Supreme Court for the production by the Chief Election Officer of any document in his possession relating to an election, the production of it by him, in such manner as is directed by the order, is evidence that the document relates to the election, and any endorsement appearing on any envelope containing ballots so produced is evidence that the contents are what they are stated to be by the endorsement.

Inspection of documents under order of committee of Assembly

87. Notwithstanding the provisions of this or any other Act, all documents, including used and unused ballots, relating to an election in the custody of the Chief Election Officer or of any other person may be opened, inspected and examined under such conditions and rules as are made by a committee of the Assembly for the purpose of inquiring into any matter referred to the committee by order of the Assembly, and, upon any such proceeding before the committee, any such document may be filed as an exhibit, and any person summoned to attend and give evidence before the committee upon such inquiry may be examined or cross-examined in relation thereto.

Report re conduct of election

88. The Chief Election Officer, in addition to any other requirements of this Act in respect of the tabling of the results of an election, shall report to the Assembly through the Speaker whether or not in his opinion the conduct of the election was free or otherwise of any of the actions which are declared to be offences or corrupt practices under this Act.

CORRUPT PRACTICES AND OTHER OFFENCES:
PENALTIES AND ENFORCEMENT

Voting when not qualified, etc.

89. Every person who, at an election,

(a) not being qualified to vote, votes; or

(b) being qualified to vote, votes more than once; or

(c) votes in an electoral district or polling division other than the one in which he is entitled to vote by this Act,

is guilty of a corrupt practice and is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than six months, or to both.

Improper voting by proxy, etc.

90. Every person who,

(a) appoints a proxy for reward or remuneration;

(b) induces or procures any elector by undue influence to appoint a voting proxy to vote at an election;

(c) unduly solicits or attempts to solicit from an elector an appointment as a voting proxy to vote at an election;

(d) having appointed a voting proxy to vote at an election, attempts to vote at the election otherwise than by means of such voting proxy while the voting proxy is in force;

(e) knowingly appoints more than one person as a voting proxy; or

(f) having been appointed a voting proxy at an election, votes or attempts to vote at the election under the authority of the proxy when he knows or had reasonable grounds for supposing that his appointment has been cancelled or that the elector who made the appointment is no longer entitled to vote or is dead,

is guilty of a corrupt practice and is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than six months, or to both.

Wilful miscount of ballots

91. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise wilfully makes up a

false statement of the poll is guilty of a corrupt practice and is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than six months, or to both.

Neglect of duties

92. Every returning officer, election clerk, revision assistant, deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by this Act is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Offences relating to ballot papers

93. Every person who,

(a) without authority, supplies a ballot to any person;

(b) without authority, places in a ballot box anything other than an official ballot;

(c) delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot given to him by the deputy returning officer;

(d) takes a ballot out of the polling place;

(e) without authority, is found to be in possession of, takes, opens or otherwise interferes with, a ballot box, a ballot or books or packet of ballots provided for use at, in use, or used for the purpose of an election;

(f) being a deputy returning officer, knowingly puts his initials on the back of any paper purporting to be or capable of being used as a ballot at an election;

(g) being authorized by the returning officer or Chief Election Officer to print the ballots for an election, prints more than he is authorized to print; or

(h) attempts to commit any offence mentioned in this section,

is guilty of a corrupt practice and is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than six months, or to both.

False information to authorized persons

94. Every person who knowingly furnishes false or misleading information to a returning officer or to any person who by this Act is authorized to act as an election official is guilty of an offence and on conviction is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than six months, or to both.

Inducing unqualified person to vote, etc.

95. Every person who,

(a) induces or procures any person to vote knowing that that person has no right to vote; or

(b) before or during an election knowingly publishes a false statement of the withdrawal of a candidate,

is guilty of a corrupt practice and is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than six months, or to both.

General offence

96. Every person who contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on conviction is liable to a fine of not more than $5,000.

Disqualification of candidates guilty of corrupt practice

97.—(1) Where a candidate at an election is convicted of committing a corrupt practice, the candidate is ineligible to stand as a candidate at any election or to hold any office at the nomination of the Crown or the Lieutenant Governor in Council for eight years following the date of the official return.

Limitation

(2) If, when the candidate is convicted of committing a corrupt practice, the presiding judge finds that the act constituting in law a corrupt practice was committed without any corrupt intent, the candidate is not subject to the penalties and disabilities provided by subsection (1).

CONTESTED ELECTIONS

Validity of election, determination by action

98.—(1) The validity of the election in any electoral district or of the election of any person to the Assembly or of the right of any person to sit in the Assembly or whether or not any person is guilty of a corrupt practice shall be tried and determined by an action commenced by issuing a writ in the Supreme Court.

Penalties for corrupt practice

(2) Where the Supreme Court determines that a person has committed a corrupt practice it may, in addition to any other penalty or order, impose the penalties provided therefor under sections 89 to 97.

Who may commence action

(3) A candidate at an election or any elector qualified to vote at an election or the Chief Election Officer, if he considers that it is in the public interest that an action be commenced, may commence an action.

Time for commencing action

(4) No action shall be commenced after the expiration of ninety days following the date of the official election return, but this subsection does not apply to the Chief Election Officer who may commence an action under this section at any time.

Local registrar to notify Registrar

(5) Upon receipt of a writ of summons, the local registrar of the Supreme Court shall send notice thereof by registered mail to the Registrar of the Supreme Court.

Registrar to notify C.E.O.

(6) The Registrar shall send a notice by registered mail to the Chief Election Officer of every writ of summons issued under this section by anyone other than the Chief Election Officer.

C.E.O. to notify Assembly and returning officer

(7) The Chief Election Officer shall notify the Assembly, through the Clerk of the Assembly, of any action commenced under the authority of this section, and shall also notify the returning officer of the electoral district to which the writ of summons relates.

Publication of notice by returning officer

(8) The returning officer, after receipt of a notification under subsection (7), shall forthwith publish a notice thereof in the prescribed form once in a newspaper having general circulation in the electoral district.

Practice and procedure

99.—(1) Where not otherwise provided in this Act and subject to the rules of court, the practice and procedure of the Supreme Court apply to an action commenced under section 98.

Judge without jury

(2) The action shall be tried by a judge without a jury.

Intervention in action by C.E.O.

100.—(1) The Chief Election Officer, following receipt of the notice under subsection 98 (6), may apply to a judge of the Supreme Court, or to the judge presiding at the trial for leave to intervene in the action for the purpose of bringing any evidence before the court or for any other valid reason.

Notice of application to be filed and served

(2) Where the Chief Election Officer applies prior to the trial for leave to intervene, he shall file notice of the application in the office in which the action was commenced and shall serve copies thereof on all parties.

Where leave granted

(3) If the judge grants leave to intervene, he shall give directions as to appearance and procedure in respect of the Chief Election Officer including leave to subpoena witnesses to attend at the trial, and thereafter, the Chief Election Officer shall be served with all proceedings in the action.

Security for costs

101.—(1) At the time of the commencement of an action, security shall be given on behalf of the plaintiff, other than the Chief Election Officer, to be applied towards payment of all costs, charges and expenses, if any, that may become payable by the plaintiff, including the costs and charges of the election officer incurred in the publication of notices in the electoral district in respect of the writ of the action or proceedings therein.

Idem

(2) The security shall be in the amount of $2,000 and shall be given in accordance with the practice in cases where a plaintiff resides out of Ontario.

Disclaimer not to affect action R.S.O. 1980, c. 235

102. A disclaimer by an elected member under the *Legislative Assembly Act* does not affect the right of any person entitled to commence an action under section 98 and an action may be commenced in the same manner as if the member elected had not disclaimed.

Abatement of action

103.—(1) An action abates on the death of a sole plaintiff or the survivor of several plaintiffs.

Liability for costs

(2) The abatement of an action does not affect any liability for costs previously incurred.

Substitution of plaintiff

(3) On the abatement of an action, notice of the abatement shall be given by the Registrar of the Supreme Court in the prescribed form in the electoral district and any person who might have been a plaintiff may apply to a judge of the Supreme Court or, during the trial, to the trial judge to be substituted as the sole plaintiff.

Substitution for unqualified plaintiff

104. Where a plaintiff is not qualified to be a plaintiff in an action under section 98, the action shall not on that account be dismissed if within such time as a judge of the Supreme Court or, during the trial, the trial judge allows for that purpose, another plaintiff is substituted and substitution shall be made on such terms and conditions as the judge considers proper.

Death of defendant, etc., at or before trial

105.—(1) If, before or during the trial,

(a) the defendant dies; or

(b) the Assembly resolves that the seat is vacant; or

(c) the defendant gives notice to the court that he does not intend to oppose, or further oppose the action,

notice of such event shall be given by the Registrar of the Supreme Court in the prescribed form in the electoral district.

Substituted as further defendant

(2) Within twenty days after notice is given in the electoral district under subsection (1), any person who might have been a plaintiff may apply to a judge of the Supreme Court or, during the trial, to the trial judge to be admitted as a defendant to oppose the action, or so much thereof as remains undisposed of, and may be admitted accordingly, either with the defendant, if there is a defendant, or in place of the defendant, and any number of persons not exceeding three, may be so admitted.

Adjournment of trial

(3) If any of the events mentioned in subsection (1) happen during the trial, the court shall adjourn the trial in order that notice may be given in the electoral district.

Where notice of intention not to oppose given

(4) The defendant who has given the notice under clause (1) (c) shall not be allowed to appear or act as a party against the action in any proceeding thereon and shall not sit or vote in the Assembly until the Assembly has been informed of the judgment in the action, and the court shall report the giving of the notice to the Assembly through the Clerk of the Assembly.

Declaration that election void

106.—(1) Where it is determined that the successful candidate is guilty of a corrupt practice, the court may declare his election void.

Unseating and seating of another candidate

(2) Where the election of any person is declared void, the court may order that he be removed from office and, if it is determined that any other person was elected, that he be admitted to take his seat in the Assembly or, if it is determined that no other person is elected, the court may provide for the holding of a new election.

Where result of election affected

(3) Where it is determined that any person is guilty of a corrupt practice and that the commission of the corrupt practice affected the result of the election, the court may declare the election void and provide for holding a new election.

Unseating of disqualified person

(4) Where it is determined that a person elected has become disqualified or has forfeited his seat, the court may order that he be removed from office and provide for the holding of a new election.

Where act or omission affects result of election

(5) Where it is determined that any act or omission of an election official affected the result of an election, the court may declare the election void and provide for holding a new election.

Compensation of candidate where election void

(6) Where a new election is ordered, the court may make such order as it considers just, against any person who is found guilty of an offence or a corrupt practice under this Act, for the compensation of candidates at the void election, not exceeding $15,000 per candidate.

Judgment to Legislative Assembly

(7) The Registrar of the Supreme Court shall forward the judgment and the reasons for judgment to the Assembly through the Clerk of the Assembly.

Where election set aside and appeal entered

107.—(1) If the court determines that a member was not duly returned, notwithstanding that an appeal from the decision is pending, he is not entitled to sit or vote in the Assembly until the appeal is disposed of and the judgment of the court is received by the Assembly, but where the court determines that some other person was elected or is entitled to the seat, such person is, notwithstanding that an appeal is pending, entitled to take his seat in the Assembly and to sit and vote until the appeal is disposed of and the judgment of the court is received by the Assembly.

Notice of appeal to Clerk

(2) In the cases to which subsection (1) applies, where an appeal is entered, the Registrar shall forthwith notify the Clerk of the Assembly that an appeal is pending from the decision of the court.

Time for issue of writ for new election

108. A writ for a new election shall not be issued until after the expiration of the time limited for appeal from the determination of the Supreme Court that the election is void and, if an appeal is brought, the writ shall not issue pending the appeal.

Appeals to Court of Appeal

109.—(1) An appeal lies from the judgment of the Supreme Court to the Court of Appeal.

Setting down for hearing, etc.

(2) The Registrar shall set the appeal down for hearing at the next sittings, and the party appealing shall, within ten days, give to the parties affected by the appeal, or the solicitors by whom such parties were represented before the trial judge, and to the Chief Election Officer, notice in writing that the case has been so set down, and the appeal shall be heard by the Court of Appeal as speedily as practicable.

Judgment or new trial

(3) The Court of Appeal may give any judgment that ought to have been pronounced or may grant a new trial for the purposes of taking evidence or additional evidence and may remit the case to the trial judge or to another judge and, subject to any directions of the Court of Appeal, the case shall thereafter be proceeded with as if there had been no appeal.

Appeal from decision on new trial

(4) An appeal lies from the decision of the trial judge to whom the case was remitted by the Court of Appeal in accordance with the provisions of this section.

Inquiry as to extensive corrupt practices

110. The Lieutenant Governor in Council, upon the recommendation of the Assembly, may issue a commission to inquire into whether corrupt practices extensively prevailed at the election and the commission has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the inquiry as if it were an inquiry under that Act.

R.S.O. 1980, c. 411

ELECTION FEES AND EXPENSES

Regulations

111. The Lieutenant Governor in Council may make regulations,

(a) prescribing the fees and expenses to be allowed to the officers and other persons, except those in the office of the Chief Election Officer, for their services and disbursements under this Act; and

(b) prescribing the costs that shall be paid by the Province of Ontario under sections 77 and 79.

Payment of expenses of Act

112.—(1) The fees and expenses to be allowed to the election officers, returning officers and persons for services performed under this Act, so far as they are payable by the Province of Ontario, are payable out of the Consolidated Revenue Fund.

Premises and equipment

(2) The Chief Election Officer may lease such premises and acquire such equipment and supplies as are necessary to properly carry out his responsibilities under this Act.

Clerical and technical assistance

(3) The Chief Election Officer from time to time may appoint such persons having technical or special knowledge of any kind to assist the Chief Election Officer for a limited period of time, or in respect of a particular matter.

Accountable warrants

(4) For the purpose of providing the funds required under this section, the Lieutenant Governor in Council may direct that accountable warrants payable out of the Consolidated Revenue Fund be issued from time to time in favour of any officer or other person.

Accounts and audit

(5) The sums paid out under this section shall be duly accounted for by the production of accounts and vouchers but it is not necessary that such accounts or vouchers be furnished by any person in whose favour an accountable warrant was issued before the issue of a further accountable warrant to the

same person, unless the Lieutenant Governor in Council otherwise directs.

(6) All accounts respecting such fees and expenses shall be audited by the Provincial Auditor. Audit by Provincial Auditor

OFFICE OF THE CHIEF ELECTION OFFICER

113.—(1) Subject to the approval of the Board, the Chief Election Officer may employ such persons on his permanent staff as are necessary in the performance of his duties and for the efficient and proper operation of his office and may, for such employees, establish job classifications, and may determine the salary of the Assistant Chief Election Officer and the salaries and remuneration, which shall be comparable to the salary ranges of similar positions or classifications in the public service of Ontario, and the terms and conditions of employment of the employees on the permanent staff of his office and the Chief Election Officer shall present annually to the Board estimates of the sums of money that will be required for these purposes. Staff

(2) The Board shall review and may alter as it considers proper the estimates referred to in subsection (1), and the chairman of the Board shall cause the estimates as altered by the Board to be laid before the Assembly and the Assembly shall refer the estimates laid before it to a committee of the Assembly for review. Review of estimates by Board

(3) The moneys required for the purposes of this section shall be paid out of the moneys appropriated therefor by the Legislature. Moneys

114.—(1) Every employee of the office of the Chief Election Officer, before performing any duty as such, shall take and subscribe the prescribed oath of office and secrecy and, if required by the Chief Election Officer, the prescribed oath of allegiance. Oath of office and secrecy and oath of allegiance

(2) The Chief Election Officer may require any person appointed to assist the Chief Election Officer for a limited period of time or in respect of a particular matter to take and subscribe either or both of the oaths referred to in subsection (1). Idem

(3) A copy of each oath administered to an employee of the office of the Chief Election Officer under subsection (1) shall be kept in the file of the employee in the office of the Chief Election Officer. Record of oaths

Cause for dismissal

(4) The failure of an employee of the office of the Chief Election Officer to take and subscribe or to adhere to either of the oaths required by subsection (1) may be considered as cause for dismissal.

Benefits
R.S.O. 1980, c. 418

115.—(1) The employee benefits applicable from time to time under the *Public Service Act* to civil servants who are not within a unit of employees established for collective bargaining under any Act apply or continue to apply, as the case may be, to the Chief Election Officer, the Assistant Chief Election Officer, and to the full-time permanent and probationary employees of the office of the Chief Election Officer and the Board or any person authorized by order of the Board may exercise the powers and duties of the Civil Service Commission and the Chief Election Officer or any person authorized in writing by the Chief Election Officer may exercise the powers and duties of a deputy minister under that Act in respect of such benefits.

Superannuation benefits
R.S.O. 1980, c. 419

(2) The *Public Service Superannuation Act* applies to the full-time permanent and probationary employees of the office of the Chief Election Officer as though the office of the Chief Election Officer were a commission designated by the Lieutenant Governor in Council under section 28 of that Act and to the Chief Election Officer and Assistant Chief Election Officer as though they were members of such a commission who held positions designated by and whose requests for such designations had been approved by the Lieutenant Governor in Council under section 28 of that Act and all credits in the Public Service Superannuation Fund of the full-time permanent and probationary employees of the office of the Chief Election Officer and of the Chief Election Officer and the Assistant Chief Election Officer accumulated under that Act immediately before this Act comes into force are preserved and continued in accordance with that Act.

Conduct and discipline

116.—(1) The Chief Election Officer may make orders and rules for the conduct of the internal business of the office of the Chief Election Officer and, after a hearing, may suspend, demote or dismiss any employee of the office for cause.

Hearing
R.S.O. 1980, c. 418

(2) The provisions of the *Public Service Act* and the regulations thereunder that apply in relation to suspension from employment pending an investigation and in relation to a hearing by a deputy minister or his delegate as to cause for dismissal, other than as to notice to the Civil Service Commission, apply with necessary modifications where the Chief Election Officer is of the opinion that there may exist cause for the suspension without pay, demotion or dismissal of an

employee of the Office, and, for the purpose, the Chief Election Officer shall be deemed to be a deputy minister.

Appeals

(3) A decision of the Chief Election Officer to demote, suspend or dismiss an employee may be appealed by the employee, within fourteen days after the decision has been communicated to him, to the Public Service Grievance Board established under the *Public Service Act*.

R.S.O. 1980, c. 418

Board authorized to hear appeals

(4) The Public Service Grievance Board may hear and dispose of an appeal under this section and the provisions of the regulation under the *Public Service Act* that apply in relation to a grievance for dismissal apply with necessary modifications to an appeal under this section, and, for the purpose, the Chief Election Officer shall be deemed to be a deputy minister and the decision of the Public Service Grievance Board is final and the Public Service Grievance Board shall report its decision and reasons in writing to the Chief Election Officer and to the appellant.

MISCELLANEOUS

117. Section 6 of the *Legislative Assembly Act*, being chapter 235 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Qualification of members

6. The persons qualified to sit and vote as members of the Assembly are any persons of the full age of eighteen years who are Canadian citizens resident in Ontario and not disqualified by this or any other Act from election to the Assembly.

Repeal

118. The *Election Act*, being chapter 133 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement

119.—(1) This Act, except section 117, comes into force on the day it receives Royal Assent.

Idem

(2) Section 117 comes into force and has effect on the day after the day the Legislature is dissolved or ended by the effluxion of time, where the day of dissolution or ending falls after the 1st day of July, 1986.

Short title

120. The short title of this Act is the *Election Act, 1984*.

CHAPTER 55

An Act respecting the Protection and Well-being of Children and their Families

Assented to December 14th, 1984

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The purposes of this Act are,

Declaration of principles

(a) as a paramount objective, to promote the best interests, protection and well-being of children;

(b) to recognize that while parents often need help in caring for their children, that help should give support to the autonomy and integrity of the family unit and, wherever possible, be provided on the basis of mutual consent;

(c) to recognize that the least restrictive or disruptive course of action that is available and is appropriate in a particular case to help a child or family should be followed;

(d) to recognize that children's services should be provided in a manner that,

(i) respects children's needs for continuity of care and for stable family relationships, and

(ii) takes into account physical and mental developmental differences among children;

(e) to recognize that, wherever possible, services to children and their families should be provided in a manner that respects cultural, religious and regional differences; and

(f) to recognize that Indian and native people should be entitled to provide, wherever possible, their own child and family services, and that all services to Indian and native children and families should be provided in a manner that recognizes their culture, heritage and traditions and the concept of the extended family.

French language services

2.—(1) Service providers shall, where appropriate, make services to children and their families available in the French language.

Duties of service providers

(2) Service providers shall ensure,

(a) that children and their parents have an opportunity where appropriate to be heard and represented when decisions affecting their interests are made and to be heard when they have concerns about the services they are receiving; and

(b) that decisions affecting the interests and rights of children and their parents are made according to

clear, consistent criteria and are subject to procedural safeguards.

INTERPRETATION

3.—(1) In this Act, Interpretation

1. "agency" means a corporation;

2. "approved agency" means an agency that is approved under subsection 8 (1) of Part I (Flexible Services);

3. "approved service" means a service provided,

   i. under subsection 7 (1) of Part I or with the support of a grant or contribution made under subsection 7 (2) of that Part,

   ii. by an approved agency, or

   iii. under the authority of a licence;

4. "band" has the same meaning as in the *Indian Act* (Canada); R.S.C. 1970, c. I-6

5. "Board" means the Children's Services Review Board continued under Part IX (Licensing);

6. "child" means a person under the age of eighteen years;

7. "child development service" means a service for a child with a developmental or physical handicap, for the family of a child with a developmental or physical handicap, or for the child and the family;

8. "child treatment service" means a service for a child with a mental or psychiatric disorder, for the family of a child with a mental or psychiatric disorder, or for the child and the family;

9. "child welfare service" means,

   i. a residential or non-residential service, including a prevention service,

   ii. a service provided under Part III (Child Protection),

iii. a service provided under Part VII (Adoption), or

iv. individual or family counselling;

10. "community support service" means a support service or prevention service provided in the community for children and their families;

11. "court" means the Provincial Court (Family Division) or the Unified Family Court;

12. "developmental handicap" means a condition of mental impairment present or occurring in a person's formative years that is associated with limitations in adaptive behaviour;

13. "Director" means a Director appointed under subsection 5 (1) of Part I (Flexible Services);

14. "foster care" means the provision of residential care to a child, by and in the home of a person who,

R.S.O. 1980, cc. 151, 188

i. receives compensation for caring for the child, except under the *Family Benefits Act*, the *General Welfare Assistance Act*, or the regulations made under either of them, and

ii. is not the child's parent or a person with whom the child has been placed for adoption under Part VII,

and "foster home" and "foster parent" have corresponding meanings;

R.S.C. 1970, c. I-6

15. "Indian" has the same meaning as in the *Indian Act* (Canada);

16. "licence" means a licence issued under Part IX (Licensing), and "licensed" and "licensee" have corresponding meanings;

17. "local director" means a local director appointed under section 16 of Part I (Flexible Services);

18. "Minister" means the Minister of Community and Social Services;

19. "native community" means a community designated by the Minister under section 192 of Part X (Indian and Native Child and Family Services);

20. "native person" means a person who is a member of a native community but is not a member of a band, and "native child" has a corresponding meaning;

21. "order" includes a refusal to make an order;

22. "prescribed" means prescribed by the regulations;

23. "program supervisor" means a program supervisor appointed under subsection 5 (2) of Part I (Flexible Services);

24. "regulations" means the regulations made under this Act;

25. "residential service" means boarding, lodging and associated supervisory, sheltered or group care provided for a child away from the home of the child's parent, and "residential care" and "residential placement" have corresponding meanings;

26. "service" means,

    i. a child development service,

    ii. a child treatment service,

    iii. a child welfare service,

    iv. a community support service, or

    v. a young offenders service;

27. "service provider" means,

    i. the Minister,

    ii. an approved agency,

    iii. a society,

    iv. a licensee, or

v. a person who provides an approved service or provides a service purchased by the Minister or an approved agency,

but does not include a foster parent;

28. "society" means an approved agency designated as a children's aid society under subsection 15 (2) of Part I (Flexible Services);

29. "young offenders service" means a service provided under Part IV (Young Offenders) or under a program established under that Part.

Idem: "parent"

(2) In this Act, a reference to a child's parent shall be deemed to be a reference to,

(a) both parents, where both have custody of the child;

(b) one parent, where that parent has lawful custody of the child or the other parent is unavailable or unable to act as the context requires; or

(c) another individual, where that individual has lawful custody of the child,

except where this Act provides otherwise.

CONSENTS AND PARTICIPATION IN AGREEMENTS

Interpretation

4.—(1) In this section,

(a) "capacity" means the capacity to understand and appreciate the nature of a consent or agreement and the consequences of giving, withholding, or revoking the consent or making, not making or terminating the agreement; and

(b) "nearest relative", when used in reference to a person who is a child, means a person with lawful custody of the child, and when used in reference to a person who is not a child, has the same meaning as in the *Mental Health Act*.

R.S.O. 1980, c. 262

Elements of valid consent or agreement, etc.

(2) A person's consent or revocation of a consent or participation in or termination of an agreement under this Act is valid if, at the time the consent is given or revoked or the agreement is made or terminated, the person,

(a) has capacity;

(b) is reasonably informed as to the nature and consequences of the consent or agreement, and of alternatives to it;

(c) gives or revokes the consent or executes the agreement or notice of termination voluntarily, without coercion or undue influence; and

(d) has had a reasonable opportunity to obtain independent advice.

Where person lacks capacity

(3) A person's nearest relative may give or revoke a consent or participate in or terminate an agreement on the person's behalf if it has been determined on the basis of an assessment, not more than one year before the nearest relative acts on the person's behalf, that the person does not have capacity.

Exception

(4) Subsection (3) does not apply to a consent under section 131 (consents to adoption) of Part VII (Adoption) or to a parent's consent referred to in clause 37 (2) (l) (child in need of protection) of Part III (Child Protection).

Consent, etc., of minor

(5) A person's consent or revocation of a consent or participation in or termination of an agreement under this Act is not invalid by reason only that the person is less than eighteen years old.

PART I

FLEXIBLE SERVICES

DIRECTORS AND PROGRAM SUPERVISORS

Appointment of Director

5.—(1) The Minister may appoint any person as a Director to perform any or all of the duties and functions and exercise any or all of the powers of a Director under this Act and the regulations.

Appointment of program supervisor

(2) The Minister may appoint any person as a program supervisor to perform any or all of the duties and functions and exercise any or all of the powers of a program supervisor under this Act and the regulations.

Limitations, etc., on appointments

(3) The Minister may set out in an appointment made under this section any conditions or limitations to which it is subject.

Remuneration and expenses R.S.O. 1980, c. 418

(4) The remuneration and expenses of a person appointed under this section who is not a public servant under the *Public Service Act* shall be fixed by the Minister and shall be paid out of legislative appropriations.

Reports and information

(5) A service provider shall,

(a) make the prescribed reports and furnish the prescribed information to the Minister, in the prescribed form and at the prescribed intervals; and

(b) make a report to the Minister whenever the Minister requests it, in the form and containing the information specified by the Minister.

Powers of program supervisor

6.—(1) For the purpose of ensuring compliance with this Act and the regulations a program supervisor may, at all reasonable times, upon producing proper identification, enter premises where an approved service is provided, inspect the facilities, the service provided, the books of account and the records relating to the service, and make copies of those books and records or remove them from the premises to copy them as may be reasonably required.

Offence

(2) No person shall hinder, obstruct or attempt to hinder or obstruct a program supervisor in the performance of the program supervisor's duties or knowingly give false information about an approved service to a program supervisor.

Idem

(3) No service provider or person in charge of premises where an approved service is provided shall refuse to give a

program supervisor access to the books and records referred to in subsection (1) or refuse to give a program supervisor information about the approved service that the program supervisor reasonably requires.

Regulations re exercise of power of entry

(4) A program supervisor shall exercise the power of entry set out in subsection (1) in accordance with the regulations.

APPROVALS AND FUNDING

Provision of services directly or by purchase

7.—(1) The Minister may,

(a) provide services and establish, operate and maintain facilities for the provision of services; and

(b) make agreements with persons, municipalities and agencies for the provision of services,

and may make payments for those services and facilities out of legislative appropriations.

Grants and contributions for services, consultation, etc.

(2) The Minister may make grants and contributions, out of legislative appropriations, to any person, organization or municipality for consultation, research and evaluation with respect to services and for the provision of services.

Approval of agencies

8.—(1) Where the Minister is satisfied that an agency is, with financial assistance under this Part and the regulations, financially capable of establishing, maintaining and operating a service and that its affairs are carried on under competent management in good faith, the Minister may approve the agency to provide that service.

Funding for establishment of services

(2) Where the Minister intends to approve an agency to provide a service under subsection (1), the Minister may enter into an agreement with the agency for the establishment of the service.

Financial assistance, etc.

(3) Where the Minister approves an agency to provide a service under subsection (1), the Minister may give the agency financial and other assistance, in accordance with the regulations.

Effective date

(4) The Minister's approval under subsection (1) shall be deemed to have retroactive effect if the Minister so specifies.

Approval of premises for provision of services

9.—(1) Where the Minister is satisfied that premises are suitable for providing a service, the Minister may approve all or any part of the premises for the provision of the service by an approved agency and may give the agency financial and

other assistance in accordance with the regulations, for the maintenance and operation of the premises and the provision of the service.

Approval may relate to all or part of building, etc.

(2) The Minister's approval under subsection (1) may specify a building, a group of buildings, part of a building or a location in a building as the approved premises.

Effective date

(3) The Minister's approval of premises under subsection (1) shall be deemed to have retroactive effect if the Minister so specifies, but it shall not be deemed to take effect on a day before the Minister's approval of the agency concerned becomes effective under section 8.

Terms and conditions

10.—(1) The Minister may impose terms and conditions on an approval given under subsection 8 (1) or 9 (1) and, upon reasonable written notice to the approved agency, may vary, remove or amend the terms and conditions or impose new terms and conditions.

Duty of Director

(2) A Director shall review any objections from an approved agency which has received notice under subsection (1).

Transfer of assets

(3) An approved agency shall not transfer or assign any of its assets acquired with financial assistance from the Province of Ontario, except in accordance with the regulations.

Services to persons over eighteen

(4) The Minister may,

(a) provide services under clause 7 (1) (a);

(b) make agreements for the provision of services under clause 7 (1) (b);

(c) make grants and contributions for the provision of services under subsection 7 (2);

(d) approve agencies for the provision of services under subsection 8 (1);

(e) approve premises for the provision of services under subsection 9 (1),

to persons who are not children, and to their families, as if those persons were children.

Co-ordinating or advisory groups

11. The Minister may make agreements with persons, organizations or municipalities for the establishment, support

and operation of co-ordinating or advisory groups or committees, may make payments for the purpose out of legislative appropriations and may give other assistance for the purpose.

Security for payment of funds

12. The Minister may, as a condition of making a payment under this Part or the regulations, require the recipient of the funds to secure them by way of mortgage, lien, registration of agreement or in such other manner as the Minister determines.

By-laws of approved agency

13.—(1) An approved agency shall file a certified copy of its by-laws and of any amendment to them with the Minister forthwith after they are made.

Idem

(2) The by-laws of an approved agency shall contain the prescribed provisions.

Band or native community representatives

(3) An approved agency that provides services to Indian or native children and families shall have the prescribed number of band or native community representatives on its board of directors, appointed in the prescribed manner and for the prescribed terms.

Employee may not sit on board

(4) An employee of an approved agency shall not be a member of the agency's board of directors.

Placements must comply with Act and regulations

14. No approved agency shall place a child in a residential placement except in accordance with this Act and the regulations.

CHILDREN'S AID SOCIETIES

Interpretation

15.—(1) In this section, "prescribed" means prescribed in a regulation made by the Minister under subsection 197 (4) of Part XI (Regulations).

Designation of children's aid society

(2) The Minister may designate an approved agency as a children's aid society for a specified territorial jurisdiction and for any or all of the functions set out in subsection (3), may impose terms and conditions on a designation and may vary, remove or amend the terms and conditions or impose new terms and conditions at any time, and may at any time amend a designation to provide that the society is no longer designated for a particular function set out in subsection (3) or to alter the society's territorial jurisdiction.

Functions of society

(3) The functions of a children's aid society are to,

(a) investigate allegations or evidence that children who are under the age of sixteen years or are in the

society's care or under its supervision may be in need of protection;

(b) protect, where necessary, children who are under the age of sixteen years or are in the society's care or under its supervision;

(c) provide guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children;

(d) provide care for children assigned or committed to its care under this Act;

(e) supervise children assigned to its supervision under this Act;

(f) place children for adoption under Part VII; and

(g) perform any other duties given to it by this or any other Act.

Prescribed standards, etc.

(4) A society shall,

(a) provide the prescribed standard of services in its performance of its functions; and

(b) follow the prescribed procedures and practices.

By-laws require approval

(5) A by-law and an amendment to a by-law of a society do not come into force until they are approved by the Minister.

Protection from personal liability

(6) No action shall be instituted against an officer or employee of a society for an act done in good faith in the execution or intended execution of the person's duty or for an alleged neglect or default in the execution in good faith of the person's duty.

Appointment of local director

16. Every society shall appoint a local director with the prescribed qualifications, powers and duties.

Duties of Director with respect to societies

17.—(1) A Director,

(a) shall advise and supervise societies;

(b) shall inspect or direct and supervise the inspection of the operation and records of societies;

(c) shall exercise the powers and duties of a society in any area in which no society is functioning;

(d) shall inspect or direct and supervise the inspection of places in which children in the care of societies are placed; and

(e) shall ensure that societies provide the standard of services and follow the procedures and practices required by subsection 15 (4).

Director may designate places of safety

(2) A Director may designate a place as a place of safety, and may designate a class of places as places of safety, for the purposes of Part III (Child Protection).

Municipal representatives

18. The board of directors of a society shall include the prescribed number of municipal representatives, appointed in the prescribed manner and for the prescribed terms.

Interpretation

19.—(1) In this section and in section 20, "municipality" means the corporation of a county, city, or separated town or a district, metropolitan or regional municipality, but does not include a city or separated town in a district, metropolitan or regional municipality, and in a territorial district means the corporation of a city, town, village or improvement district.

Payments by Minister

(2) The Minister shall pay to every society out of legislative appropriations an amount determined in accordance with the regulations.

Payments by municipalities

(3) A municipality shall pay to the society having jurisdiction in the area of that municipality an amount, determined in accordance with the regulations, of the part of the society's estimated expenditures, as approved by the Minister, that is referable to the municipality.

How society's estimates determined

(4) A society's estimated expenditures shall be determined and shall be approved by the Minister in accordance with the regulations.

How municipal share determined

(5) The part of a society's estimated expenditures that is referable to a municipality shall be determined in accordance with the regulations.

Manner of payment

(6) An amount payable to a society under subsection (2) or (3), including advances on expenditures before they are incurred, shall be paid at the times and in the manner determined by the Minister.

Power to make levies

20.—(1) The council of a municipality shall pass by-laws for the levying of the amounts necessary to meet the liability imposed under subsection 19 (3) and may pass by-laws to afford to a society other assistance that the council considers advisable.

Society deemed to be a local board R.S.O. 1980, c. 348; 1983, c. 8

(2) A society shall be deemed to be a local board of each municipality in which it has jurisdiction for the purposes of the *Ontario Municipal Employees Retirement System Act* and the *Municipal Conflict of Interest Act, 1983*.

AGREEMENTS WITH OTHER GOVERNMENTS

Minister may make agreements with other governments

21. The Minister may, with the approval of the Lieutenant Governor in Council, make agreements on behalf of the Government of Ontario with the Crown in right of Canada and with the Crown in right of any other province of Canada respecting services under this Act or the care or protection of children.

REVOCATION AND TAKE-OVER POWERS

Powers of Minister

22.—(1) Where the Minister believes on reasonable grounds that,

(a) an approved agency is not providing services in accordance with this Act or the regulations or in accordance with any term or condition imposed on the approval under subsection 8 (1) or 9 (1) or, in the case of a society, on the designation under subsection 15 (2);

(b) a director, officer or employee of an approved agency has contravened or knowingly permitted any person under his or her control and direction to contravene any provision of this Act or the regulations or any term or condition imposed on the approval under subsection 8 (1) or 9 (1) or, in the case of a society, on the designation under subsection 15 (2);

(c) approval of the agency under subsection 8 (1) or of the premises under subsection 9 (1) would be refused if it were being applied for in the first instance; or

(d) in the case of a society, the society is not able to or fails to perform any or all of its functions under section 15, or fails to perform any or all of its functions in any part of its territorial jurisdiction,

the Minister may,

(e) revoke or suspend the approval; or

(f) in the case of a society,

(i) revoke or suspend the designation under subsection 15 (2),

(ii) remove any or all of the members of the board of directors and appoint others in their place, or

(iii) operate and manage the society in the place of the board of directors.

Notice of proposal

(2) Where the Minister proposes to act under clause (1) (e) or (f), the Minister shall serve notice of the proposal and written reasons for it on the approved agency, unless the agency has requested that the Minister so act or has consented to the Minister's proposal.

Request for hearing

(3) A notice under subsection (2) shall inform the agency that it is entitled to a hearing under this section if the agency mails or delivers to the Minister, within sixty days after the notice under subsection (2) is served, a written request for a hearing.

Where agency does not request hearing

(4) Where the agency does not require a hearing under subsection (3), the Minister may carry out the proposal stated in the Minister's notice under subsection (2) without a hearing.

Hearing

(5) Where the agency requires a hearing under subsection (3),

(a) if the Minister proposes to act under clause (1) (e) only, the Minister; and

(b) in all other cases, the Lieutenant Governor in Council,

shall appoint one or more persons not employed by the Ministry to hear the matter and recommend whether the Minister should carry out the proposal.

R.S.O. 1980, c. 484, ss. 17-20 do not apply

(6) Sections 17, 18, 19 and 20 of the *Statutory Powers Procedure Act* do not apply to a hearing under this section.

Report to Minister

(7) The person or persons appointed under subsection (5) shall hold a hearing and make a report to the Minister setting out,

(a) recommendations as to the carrying out of the proposal; and

(b) the findings of fact, any information or knowledge used in making the recommendations and any conclusions of law arrived at that are relevant to the recommendations,

and shall provide a copy of the report to the agency.

Minister's decision

(8) After considering a report made under this section, the Minister may carry out the proposal and shall give notice of the Minister's decision to the agency with reasons.

Provisional suspension

(9) Despite subsection (2), the Minister, by notice to the agency and without a hearing, may provisionally exercise any of the powers set out in clauses (1) (e) and (f) where it is necessary to do so, in the Minister's opinion, to avert an immediate threat to the public interest or to a person's health, safety or welfare and the Minister so states in the notice, with reasons, and thereafter the Minister shall cause a hearing to be held and subsections (3) to (8) apply with necessary modifications.

Minister's order to cease activity

23.—(1) Where the Minister is of the opinion, upon reasonable grounds, that an activity carried on, or the manner of carrying on an activity, in the course of the provision of an approved service is causing or is likely to cause harm to a person's health, safety or welfare, the Minister may by order require the service provider to suspend or cease the activity and may take such other action as the Minister deems to be in the best interests of the persons receiving the approved service.

Notice of proposal

(2) Where the Minister proposes to make an order requiring the suspension or cessation of an activity under subsection (1), the Minister shall serve notice of the proposal and written reasons for it on the service provider, and subsections 22 (3) to (8), except clause (5) (b), apply with necessary modifications.

Where order may be made immediately

(3) Despite subsection (2), the Minister, by notice to the service provider and without a hearing, may require that the service provider immediately suspend or cease the activity where the continuation of the activity is, in the Minister's opinion, an immediate threat to the public interest or to a person's health, safety or welfare and the Minister so states in the

notice, with reasons, and thereafter the Minister shall cause a hearing to be held and subsections 22 (3) to (8), except clause (5) (b), apply with necessary modifications.

Minister has powers of board

24.—(1) Where the Minister operates and manages a society under subclause 22 (1) (f) (iii), the Minister has all the powers of its board of directors.

Idem

(2) Without restricting the generality of subsection (1), where the Minister operates and manages a society under subclause 22 (1) (f) (iii), the Minister may,

(a) carry on the society's business;

(b) enter into contracts on the society's behalf;

(c) arrange for bank accounts to be opened in the society's name, and authorize persons to sign cheques and other documents on the society's behalf;

(d) appoint or dismiss employees of the society; and

(e) make by-laws.

Occupation and operation of premises

(3) Without restricting the generality of subsection (1), where the Minister operates and manages a society under subclause 22 (1) (f) (iii), the Minister may,

R.S.O. 1980, c. 148

(a) despite sections 25 and 41 of the *Expropriations Act*, immediately occupy and operate, or arrange for the occupation and operation by a person or organization designated by the Minister, of any premises occupied or used by the society for the provision of approved services; or

(b) apply without notice to the District Court for an order directing the sheriff to assist the Minister as may be necessary in occupying the premises.

Maximum period

(4) The Minister shall not occupy and operate premises under subsection (3) for a period exceeding one year without the society's consent, but the Lieutenant Governor in Council may extend the period from time to time.

OFFENCES

Offence

25. A person who knowingly,

(a) fails to furnish a report required by the Minister under subsection 5 (5);

(b) contravenes subsection 6 (2) or (3) (obstructing program supervisor, etc.); or

(c) furnishes false information in an application under this Part or in a report or return required under this Part or the regulations,

and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention or furnishing by the corporation, is guilty of an offence and is liable upon conviction to a fine of not more than $2,000.

PART II

VOLUNTARY ACCESS TO SERVICES

Interpretation

26. In this Part,

(a) "advisory committee" means a Residential Placement Advisory Committee established under subsection 34 (2);

(b) "institution" means,

(i) a children's residence, other than a maternity home, operated by the Minister or under the authority of a licence issued under Part IX (Licensing) with the capacity of providing residential services to ten or more children at a time, or

(ii) premises designated by a Director under subsection 34 (5);

(c) "record", when used in reference to a person, has the same meaning as in Part VIII (Confidentiality of and Access to Records);

(d) "special need" means a need that is related to or caused by a behavioural, developmental, emotional, physical, mental or other handicap.

CONSENTS

Consent to service: person over sixteen

27.—(1) A service provider may provide a service to a person who is sixteen years of age or older only with the person's consent, except where the court orders under this Act that the service be provided to the person.

Consent to residential service: child under sixteen

(2) A service provider may provide a residential service to a child who is less than sixteen years of age only with the consent of the child's parent or, where the child is in a society's lawful custody, the society's consent, except where this Act provides otherwise.

Exception

(3) Subsections (1) and (2) do not apply where a service is provided to a child under Part IV (Young Offenders).

Discharge from residential placement

(4) A child who is placed in a residential placement with the consent referred to in subsection (2) may only be discharged from the placement,

(a) with the consent that would be required for a new residential placement; or

(b) where the placement is made under the authority of an agreement made under subsection 29 (1) (temporary care agreements) or subsection 30 (1) or (2) (special needs agreements), in accordance with section 33 (termination by notice).

Transfer to another placement

(5) A child who is placed in a residential placement with the consent referred to in subsection (2) shall not be transferred from one placement to another unless the consent that would be required for a new residential placement is given.

Child's wishes

(6) Before a child is placed in or discharged from a residential placement or transferred from one residential placement to another with the consent referred to in subsection (2), the service provider shall take the child's wishes into account, if they can be reasonably ascertained.

Counselling service: child twelve or older

28. A service provider may provide a counselling service to a child who is twelve years of age or older with the child's consent, and no other person's consent is required, but if the child is less than sixteen years of age the service provider shall discuss with the child at the earliest appropriate opportunity the desirability of involving the child's parent.

TEMPORARY CARE AGREEMENTS

Temporary care agreement

29.—(1) A person who is temporarily unable to care adequately for a child in his or her custody, and the society having jurisdiction where the person resides, may make a written agreement for the society's care and custody of the child.

Child's age

(2) No temporary care agreement shall be made in respect of a child,

(a) who is sixteen years of age or older; or

(b) who is twelve years of age or older, unless the child is a party to the agreement.

Exception: developmental handicap

(3) Clause (2) (b) does not apply where it has been determined on the basis of an assessment, not more than one year before the agreement is made, that the child does not have capacity to participate in the agreement because of a developmental handicap.

Duty of society

(4) A society shall not make a temporary care agreement unless the society,

(a) has determined that an appropriate residential placement that is likely to benefit the child is available; and

(b) is satisfied that no less restrictive course of action, such as care in the child's own home, is appropriate for the child in the circumstances.

Term of agreement limited

(5) No temporary care agreement shall be made for a term exceeding six months, but the parties to a temporary care agreement may, with a Director's written approval, agree to extend it for a further period or periods if the total term of the agreement, as extended, does not exceed an aggregate of twelve months.

Twenty-four month rule

(6) No temporary care agreement shall be made or extended so as to result in a child being in a society's care and custody, whether under a temporary care agreement or under a temporary order or order for society wardship made under Part III (Child Protection), for a continuous period exceeding twenty-four months.

Authority to consent to medical treatment may be transferred

(7) A temporary care agreement may provide that the society is entitled to consent to medical treatment for the child where a parent's consent would otherwise be required.

Contents of temporary care agreement

(8) A temporary care agreement shall include:

1. A statement by all the parties to the agreement that the child's care and custody are transferred to the society.

2. A statement by all the parties to the agreement that the child's placement is voluntary.

3. A statement, by the person referred to in subsection (1), that he or she is temporarily unable to care for the child adequately and has discussed with the society alternatives to residential placement of the child.

4. An undertaking by the person referred to in subsection (1) to maintain contact with the child and be involved in the child's care.

5. If it is not possible for the person referred to in subsection (1) to maintain contact with the child and be involved in the child's care, the person's designation of another named person who is willing to do so.

6. The name of the individual who is the primary contact between the society and the person referred to in subsection (1).

7. Such other provisions as are prescribed.

Designation by advisory committee

(9) Where the person referred to in subsection (1) does not give an undertaking under paragraph 4 or designate another person under paragraph 5 of subsection (8), an advisory committee that has jurisdiction may, in consultation with the society, name a suitable person who is willing to maintain contact with the child and be involved in the child's care.

Variation of agreement

(10) The parties to a temporary care agreement may vary the agreement from time to time in a manner that is consistent with this Part and the regulations made under it.

SPECIAL NEEDS AGREEMENTS

Special needs agreement with society

30.—(1) A person who is unable to provide the services required by a child in his or her custody because the child has a special need, and a society having jurisdiction where the person resides, may with a Director's written approval make a written agreement for,

(a) the society's provision of services to meet the child's special need; and

(b) the society's supervision or care and custody of the child.

Special needs agreement with Minister

(2) A person who is unable to provide the services required by a child in his or her custody because the child has a special need, and the Minister, may make a written agreement for,

(a) the Minister's provision of services to meet the child's special need; and

(b) the Minister's supervision or care and custody of the child.

Term to be specified

(3) A special needs agreement shall only be made for a specific period, but may be extended, with a Director's written approval in the case of an agreement with a society, for a further period or periods.

s. 29 (7-10) apply

(4) Where a special needs agreement provides for a child's residential placement, subsections 29 (7), (8), (9) and (10) (authority to consent to medical treatment, contents of agreement, variation) apply with necessary modifications, and sub-

section 29 (4) (duty of society) applies to the society or the Minister, as the case may be, with necessary modifications.

Society agreements with sixteen and seventeen year olds

31.—(1) A child who is sixteen years of age or older and is not in the care of his or her parent and has a special need, and the society having jurisdiction where the child resides, may with a Director's written approval make a written agreement for the society's provision of services to meet the child's special need.

Idem: special needs agreement with Minister

(2) A child who is sixteen years of age or older and is not in the care of his or her parent and has a special need, and the Minister, may make a written agreement for the Minister's provision of services to meet the person's special need.

Contents of agreements

(3) An agreement made under subsection (1) or (2) shall contain the prescribed provisions.

s. 29 (10) applies

(4) Subsection 29 (10) (variation) applies to an agreement made under subsection (1) or (2).

EXPIRY AND TERMINATION OF AGREEMENTS

Agreement expires at eighteen

32. No agreement made under section 29, 30 or 31 shall continue beyond the eighteenth birthday of the person who is its subject.

Notice of termination of agreement

33.—(1) A party to an agreement made under section 29, 30 or 31 may terminate the agreement at any time by giving every other party written notice that he or she wishes to terminate the agreement.

When notice takes effect

(2) Where notice is given under subsection (1), the agreement terminates on the expiry of five days, or such longer period not exceeding twenty-one days as the agreement specifies, after the day on which every other party has actually received the notice.

Return of child, etc., by society

(3) Where notice of a wish to terminate an agreement for care and custody made under subsection 29 (1) or 30 (1) is given by or to a society under subsection (1), the society shall as soon as possible, and in any event before the agreement terminates under subsection (2),

(a) cause the child to be returned to the person who made the agreement, or to a person who has obtained an order for the child's custody since the agreement was made; or

(b) where the society is of the opinion that the child would be in need of protection within the meaning of subsection 37 (2) of Part III (Child Protection) if returned to the person referred to in clause (a), bring the child before the court under that Part to determine whether the child would be in need of protection in that case, and thereafter Part III applies to the child, with necessary modifications.

Idem: Minister

(4) Where notice of a wish to terminate an agreement for care and custody made under subsection 30 (2) is given by or to the Minister under subsection (1), subsection (3) applies to the Minister, with necessary modifications.

Idem: expiry of agreement

(5) Where a temporary care agreement expires or is about to expire under subsection 29 (6), and where a temporary care agreement or a special needs agreement that provides for care and custody expires or is about to expire according to its own terms and is not extended, the society or the Minister, as the case may be, shall before the agreement expires or as soon as practicable thereafter, but in any event within twenty-one days after the agreement expires,

(a) cause the child to be returned to the person who made the agreement, or to a person who has obtained an order for the child's custody since the agreement was made; or

(b) where the society or the Minister, as the case may be, is of the opinion that the child would be in need of protection within the meaning of subsection 37 (2) of Part III (Child Protection) if returned to the person referred to in clause (a), bring the child before the court under that Part to determine whether the child would be in need of protection in that case, and thereafter Part III applies to the child, with necessary modifications.

REVIEW BY RESIDENTIAL PLACEMENT ADVISORY COMMITTEE

Interpretation

34.—(1) In this section, "residential placement" does not include,

S.C. 1980-81-82-83, c. 110

(a) a placement made under the *Young Offenders Act* (Canada) or under Part IV (Young Offenders);

(b) commitment to a secure treatment program under Part VI (Extraordinary Measures); or

(c) a placement with a person who is neither a service provider nor a foster parent.

Residential Placement Advisory Committees

(2) The Minister may establish Residential Placement Advisory Committees each consisting of,

(a) persons engaged in providing services;

(b) other persons who have demonstrated an informed concern for the welfare of children;

(c) one representative of the Ministry; and

(d) if the Minister wishes, another person or persons, including a representative of a band or native community, whom the Minister considers appropriate,

and shall specify the territorial jurisdiction of each advisory committee.

Payments, etc., to members

(3) The Minister may pay allowances and reasonable travelling expenses to any or all of the members of an advisory committee, and may authorize an advisory committee to hire support staff.

Duties of committee

(4) An advisory committee has a duty to advise, inform and assist parents, children and service providers with respect to the availability and appropriateness of residential services and alternatives to residential services, to conduct reviews under this section, and to name persons for the purpose of subsection 29 (9) (contact with child under temporary care agreement), and has such further duties as are prescribed.

Designation by Director

(5) A Director may designate a building, group of buildings or part of a building in which residential services can be provided to ten or more children at a time as an institution for the purposes of this section.

Mandatory review by committee

(6) An advisory committee shall review,

(a) every residential placement in an institution of a child who resides within the advisory committee's jurisdiction, if the placement is intended to last or actually lasts ninety days or more,

(i) as soon as possible, but in any event within forty-five days of the day on which the child is placed in the institution,

(ii) unless the placement is reviewed under subclause (i), within twelve months of the establishment of the committee or within such longer period as the Minister allows, and

(iii) while the placement continues, at least once during each nine month period succeeding the review under subclause (i) or (ii);

(b) every residential placement of a child twelve years of age or older who objects to the placement and resides within the advisory committee's jurisdiction,

(i) within the week immediately following the day that is fourteen days after the child is placed, and

(ii) while the placement continues, at least once during each nine month period succeeding the review under subclause (i); and

(c) an existing or proposed residential placement of a child that the Minister refers to the advisory committee, within thirty days of the referral.

Exception

(7) Subclause (6) (a) (i) does not apply to a residential placement that is made before this Part comes into force.

Discretionary review

(8) An advisory committee may at any time review or re-review, on a person's request or on its own initiative, an existing or proposed residential placement of a child who resides within the advisory committee's jurisdiction.

Review to be informal, etc.

(9) An advisory committee shall conduct a review under this section in an informal manner, in the absence of the public, and in the course of the review may,

(a) interview the child, members of the child's family and any representatives of the child and family;

(b) interview persons engaged in providing services and other persons who may have an interest in the matter or may have information that would assist the advisory committee;

(c) examine documents and reports that are presented to the committee; and

(d) examine records of the child and of members of the child's family, as defined in Part VIII (Confidential-

ity of and Access to Records), that are disclosed to the committee in accordance with that Part.

Service providers to assist advisory committee

(10) At an advisory committee's request, a service provider shall assist and co-operate with the advisory committee in its conduct of a review.

What committee shall consider

(11) In conducting a review, an advisory committee shall,

(a) determine whether the child has a special need;

(b) consider what programs are available for the child in the residential placement or proposed residential placement, and whether a program available to the child is likely to benefit the child;

(c) consider whether the residential placement or proposed residential placement is appropriate for the child in the circumstances;

(d) if it considers that a less restrictive alternative to the placement would be more appropriate for the child in the circumstances, specify that alternative;

(e) consider the importance of continuity in the child's care and the possible effect on the child of disruption of that continuity; and

(f) where the child is an Indian or native person, consider the importance, in recognition of the uniqueness of Indian and native culture, heritage and traditions, of preserving the child's cultural identity.

Recommendations

35.—(1) An advisory committee that conducts a review shall advise,

(a) the service provider;

(b) any representative of the child;

(c) the child's parent or, where the child is in a society's lawful custody, the society;

(d) the child, where it is reasonable to expect him or her to understand; and

(e) where the child is an Indian or native person, a representative chosen by the child's band or native community,

of its recommendations as soon as the review has been completed, and shall advise the child of his or her rights under section 36 if the child is twelve years of age or older.

Report of review to Minister

(2) An advisory committee that conducts a review shall, within thirty days of completing the review, make a report of its findings and recommendations to the Minister.

Recommendation for less restrictive service

(3) Where an advisory committee considers that the provision of a less restrictive service to a child would be more appropriate for the child than the residential placement, the advisory committee shall recommend in its report under subsection (2) that the less restrictive service be provided to the child.

Additional reports at Minister's request

(4) An advisory committee shall make a report of its activities to the Minister whenever the Minister requests it, in addition to making the reports required by subsection (2).

Review by Children's Services Review Board

36.—(1) A child who is twelve years of age or older and is in a residential placement to which he or she objects may, if the placement has been reviewed by an advisory committee under section 34 and,

(a) the child is dissatisfied with the advisory committee's recommendation; or

(b) the advisory committee's recommendation is not followed,

apply to the Board for a determination of where he or she should remain or be placed.

Duty of Board

(2) The Board shall conduct a review with respect to an application made under subsection (1) and may do so by holding a hearing.

Idem

(3) The Board shall advise the child whether it intends to hold a hearing or not within ten days of receiving the child's application.

Parties

(4) The parties to a hearing under this section are,

(a) the child;

(b) the child's parent or, where the child is in a society's lawful custody, the society;

(c) where the child is an Indian or native person, a representative chosen by the child's band or native community; and

(d) any other persons that the Board specifies.

Time for determination

(5) The Board shall complete its review and make a determination within thirty days of receiving a child's application, unless,

(a) the Board holds a hearing with respect to the application; and

(b) the parties consent to a longer period for the Board's determination.

Board's recommendation

(6) After conducting a review under subsection (2), the Board may,

(a) order that the child be transferred to another residential placement, if the Board is satisfied that the other residential placement is available;

(b) order that the child be discharged from the residential placement; or

(c) confirm the existing placement.

PART III

CHILD PROTECTION

Interpretation

37.—(1) In this Part,

(a) "child" does not include a child as defined in paragraph 6 of subsection 3 (1) who is actually or apparently sixteen years of age or older, unless the child is the subject of an order under this Part;

(b) "child protection worker" means a Director, a local director or a person authorized by a Director or local director for the purposes of section 40 (commencing child protection proceedings);

(c) "extended family", when used in reference to a child, means the persons to whom the child is related by blood, marriage or adoption;

(d) "parent", when used in reference to a child, means each of,

(i) the child's mother,

(ii) an individual described in one of paragraphs 1 to 6 of subsection 8 (1) of the *Children's Law Reform Act*, unless it is proved on a balance of probabilities that he is not the child's natural father,

R.S.O. 1980, c. 68

(iii) the individual having lawful custody of the child,

(iv) an individual who, during the twelve months before intervention under this Part, has demonstrated a settled intention to treat the child as a child of his or her family, or has acknowledged parentage of the child and provided for the child's support,

(v) an individual who, under a written agreement or a court order, is required to provide for the child, has custody of the child or has a right of access to the child, and

(vi) an individual who has acknowledged parentage of the child in writing under section 12 of the *Children's Law Reform Act*,

R.S.O. 1980, c. 68

but does not include a foster parent;

(e) "place of safety" means a foster home, a hospital, and a place or one of a class of places designated as such by a Director under subsection 17 (2) of Part I (Flexible Services), but does not include,

(i) a place of secure custody as defined in Part IV (Young Offenders), or

(ii) a place of secure temporary detention as defined in Part IV.

Child in need of protection

(2) A child is in need of protection where,

(a) the child has suffered physical harm, inflicted by the person having charge of the child or caused by that person's failure to care and provide for or supervise and protect the child adequately;

(b) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (a);

(c) the child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child;

(d) there is a substantial risk that the child will be sexually molested or sexually exploited as described in clause (c);

(e) the child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment;

(f) the child has suffered emotional harm, demonstrated by severe,

(i) anxiety,

(ii) depression,

(iii) withdrawal, or

(iv) self-destructive or aggressive behaviour,

and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

(g) there is a substantial risk that the child will suffer emotional harm of the kind described in clause (f), and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm;

(h) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition;

(i) the child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody;

(j) the child is less than twelve years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment;

(k) the child is less than twelve years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately; or

(l) the child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is twelve years of

age or older, with the child's consent, to be dealt with under this Part.

Best interests of child

(3) Where a person is directed in this Part to make an order or determination in the best interests of a child, the person shall take into consideration those of the following circumstances of the case that he or she considers relevant:

1. The child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs.

2. The child's physical, mental and emotional level of development.

3. The child's cultural background.

4. The religious faith, if any, in which the child is being raised.

5. The importance for the child's development of a positive relationship with a parent and a secure place as a member of a family.

6. The child's relationships by blood or through an adoption order.

7. The importance of continuity in the child's care and the possible effect on the child of disruption of that continuity.

8. The merits of a plan for the child's care proposed by a society, including a proposal that the child be placed for adoption or adopted, compared with the merits of the child remaining with or returning to a parent.

9. The child's views and wishes, if they can be reasonably ascertained.

10. The effects on the child of delay in the disposition of the case.

11. The risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent.

12. The degree of risk, if any, that justified the finding that the child is in need of protection.

13. Any other relevant circumstance.

Where child an Indian or native person

(4) Where a person is directed in this Part to make an order or determination in the best interests of a child and the child is an Indian or native person, the person shall take into consideration the importance, in recognition of the uniqueness of Indian and native culture, heritage and traditions, of preserving the child's cultural identity.

LEGAL REPRESENTATION

Legal representation of child

38.—(1) A child may have legal representation at any stage in a proceeding under this Part.

Court to consider issue

(2) Where a child does not have legal representation in a proceeding under this Part, the court,

(a) shall, as soon as practicable after the commencement of the proceeding; and

(b) may, at any later stage in the proceeding,

determine whether legal representation is desirable to protect the child's interests.

Direction for legal representation

(3) Where the court determines that legal representation is desirable to protect a child's interests, the court shall direct that legal representation be provided for the child.

Criteria

(4) Where,

(a) the court is of the opinion that there is a difference of views between the child and a parent or a society, and the society proposes that the child be removed from a person's care or be made a society or Crown ward under paragraph 2 or 3 of subsection 53 (1);

(b) the child is in the society's care and,

(i) no parent appears before the court, or

(ii) it is alleged that the child is in need of protection within the meaning of clause 37 (2) (a), (c), (f) or (h); or

(c) the child is not permitted to be present at the hearing,

legal representation shall be deemed to be desirable to protect the child's interests, unless the court is satisfied, taking into account the child's views and wishes if they can be reasonably ascertained, that the child's interests are otherwise adequately protected.

Where parent a minor

(5) Where a child's parent is less than eighteen years of age, the Official Guardian shall represent the parent in a proceeding under this Part unless the court orders otherwise.

PARTIES AND NOTICE

Parties

39.—(1) The following are parties to a proceeding under this Part:

1. The applicant.

2. The society having jurisdiction in the matter.

3. The child's parent.

4. Where the child is an Indian or a native person, a representative chosen by the child's band or native community.

Director to be added

(2) At any stage in a proceeding under this Part, the court shall add a Director as a party on his or her application.

Right to participate

(3) Any person, including a foster parent, who has cared for the child continuously during the six months immediately before the hearing,

(a) is entitled to the same notice of the proceeding as a party;

(b) may be present at the hearing;

(c) may be represented by a solicitor; and

(d) may make submissions to the court,

but shall take no further part in the hearing without leave of the court.

Child twelve or older

(4) A child twelve years of age or more who is the subject of a proceeding under this Part is entitled to receive notice of the proceeding and to be present at the hearing, unless the court is satisfied that being present at the hearing would cause the child emotional harm and orders that the child not receive

notice of the proceeding and not be permitted to be present at the hearing.

Child under twelve

(5) A child less than twelve years of age who is the subject of a proceeding under this Part is not entitled to receive notice of the proceeding or to be present at the hearing unless the court is satisfied that the child,

(a) is capable of understanding the hearing; and

(b) will not suffer emotional harm by being present at the hearing,

and orders that the child receive notice of the proceeding and be permitted to be present at the hearing.

Child's participation

(6) A child who is the applicant under subsection 60 (4) (status review), receives notice of a proceeding under this Part or has legal representation in a proceeding is entitled to participate in the proceeding and to appeal under section 65 as if he or she were a party.

Dispensing with notice

(7) Where the court is satisfied that the time required for notice to a person might endanger the child's health or safety, the court may dispense with notice to that person.

COMMENCING CHILD PROTECTION PROCEEDINGS

Application

40.—(1) A society may apply to the court to determine whether a child is in need of protection.

Warrant to apprehend child

(2) A justice of the peace who is satisfied on the basis of a child protection worker's sworn information that,

(a) there are reasonable and probable grounds to believe that a child is in need of protection; or

(b) a child actually or apparently under the age of sixteen years has left or been removed from a society's lawful care and custody without its consent,

may, where he or she is also satisfied on the basis of the information that there are reasonable and probable grounds to believe that a less restrictive course of action is not available or will not protect the child adequately, issue a warrant authorizing a child protection worker to bring the child to a place of safety.

Order to produce or apprehend child

(3) Where the court is satisfied, on a person's application upon notice to a society, that there are reasonable and probable grounds to believe that,

(a) a child is in need of protection, the matter has been reported to the society, the society has not made an application under subsection (1), and no child protection worker has sought a warrant under subsection (2) or apprehended the child under subsection (6); and

(b) the child cannot be protected adequately otherwise than by being brought before the court,

the court may order,

(c) that the person having charge of the child produce him or her before the court at the time and place named in the order for a hearing under subsection 43 (1) to determine whether he or she is in need of protection; or

(d) where the court is satisfied that an order under clause (c) would not protect the child adequately, that a child protection worker employed by the society bring the child to a place of safety.

Child's name not required

(4) It is not necessary, in an application under subsection (1), a warrant under subsection (2) or an order made under subsection (3), to describe the child by name.

Authority to enter, etc.

(5) A child protection worker authorized to bring a child to a place of safety by a warrant issued under subsection (2) or an order made under clause (3) (d) may at any time enter the premises specified in the warrant or order, by force if necessary, and may search for and remove the child.

Apprehension without warrant

(6) A child protection worker who believes on reasonable and probable grounds that,

(a) a child,

(i) is in need of protection, or

(ii) is actually or apparently under the age of sixteen years and has left or been removed from a society's lawful care and custody without its consent; and

(b) there would be a substantial risk to the child's health or safety during the time necessary to bring the matter on for a hearing under subsection 43 (1) or obtain a warrant under subsection (2),

may without a warrant bring the child to a place of safety.

Police assistance

(7) A child protection worker acting under this section may call for the assistance of a peace officer.

Consent to examine child

(8) A child protection worker acting under subsection (6) or under a warrant issued under subsection (2) or an order made under clause (3) (d) may authorize the child's medical examination where a parent's consent would otherwise be required.

Place of open temporary detention

(9) Where a child protection worker who brings a child to a place of safety under this section believes on reasonable and probable grounds that no less restrictive course of action is feasible, the child may be detained in a place of safety that is a place of open temporary detention as defined in Part IV (Young Offenders).

Apprehension of child under twelve

(10) A peace officer who believes on reasonable and probable grounds that a child actually or apparently under twelve years of age has committed an act in respect of which a person twelve years of age or older could be found guilty of an offence may apprehend the child without a warrant and shall, on doing so,

(a) as soon as practicable, return the child to the child's parent or other person having charge of the child; or

(b) where it is not possible to return the child to the parent or other person within a reasonable time, take the child to a place of safety to be detained there until the child can be returned to the parent or other person.

Notice to parent, etc.

(11) The person in charge of a place of safety in which a child is detained under subsection (10) shall make reasonable efforts to notify the child's parent or other person having charge of the child of the child's detention so that the child may be returned to the parent or other person.

Where child not returned to parent, etc., within twelve hours

(12) Where a child detained in a place of safety under subsection (10) cannot be returned to the child's parent or other person having charge of the child within twelve hours of being taken to the place of safety, the child shall be deemed to have

been apprehended under subclause (6) (a) (i) as being apparently in need of protection.

Apprehension of child absent from place of open temporary detention

(13) Where a child is detained under this Part in a place of safety that has been designated as a place of open temporary detention as defined in Part IV (Young Offenders) and leaves the place without the consent of,

(a) the society having care, custody and control of the child; or

(b) the person in charge of the place of safety,

a peace officer, the person in charge of the place of safety or that person's delegate may apprehend the child without a warrant and,

(c) take the child to a place of safety to be detained until he or she can be returned;

(d) arrange for the child to be returned; or

(e) return the child,

to the first-mentioned place of safety.

Right of entry, etc.

(14) Where a person authorized under subsection (6), (10) or (13) believes on reasonable and probable grounds that a child referred to in the relevant subsection is on any premises, the person may without a warrant enter the premises, by force, if necessary, and search for and remove the child.

Regulations re power of entry

(15) A person authorized to enter premises under subsection (5) or (14) shall exercise the power of entry in accordance with the regulations.

Protection from personal liability

(16) No action shall be instituted against a child protection worker or peace officer for any act done in accordance with this section, unless the act is done maliciously or without reasonable grounds.

Peace officer has powers of child protection worker

(17) A peace officer has the powers of a child protection worker for the purpose of this section.

HEARINGS AND ORDERS

Interpretation

41.—(1) In this section, "media" means the press, radio and television media.

Application

(2) This section applies to hearings held under this Part, except hearings under section 72 (child abuse register).

Hearings separate from criminal proceedings

(3) A hearing shall be held separately from hearings in criminal proceedings.

Hearings private unless court orders otherwise

(4) A hearing shall be held in the absence of the public, subject to subsection (5), unless the court, after considering,

(a) the wishes and interests of the parties; and

(b) whether the presence of the public would cause emotional harm to a child who is a witness at or a participant in the hearing or is the subject of the proceeding,

orders that the hearing be held in public.

Media representatives

(5) Media representatives chosen in accordance with subsection (6) may be present at a hearing that is held in the absence of the public, unless the court makes an order excluding them under subsection (7).

Idem

(6) The media representatives who may be present at a hearing that is held in the absence of the public shall be chosen as follows:

1. The media representatives in attendance shall choose not more than two persons from among themselves.

2. Where the media representatives in attendance are unable to agree on a choice of persons, the court may choose not more than two media representatives who may be present at the hearing.

3. The court may permit additional media representatives to be present at the hearing.

Order excluding media representatives or prohibiting publication

(7) The court may make an order,

(a) excluding a particular media representative from all or part of a hearing;

(b) excluding all media representatives from all or a part of a hearing; or

(c) prohibiting the publication of a report of the hearing or a specified part of the hearing,

where the court is of the opinion that the presence of the media representative or representatives or the publication of the report, as the case may be, would cause emotional harm to a child who is a witness at or a participant in the hearing or is the subject of the proceeding.

Prohibition: identifying child

(8) No person shall publish or make public information that has the effect of identifying a child who is a witness at or a participant in a hearing or the subject of a proceeding, or the child's parent or foster parent or a member of the child's family.

Idem: order re adult

(9) The court may make an order prohibiting the publication of information that has the effect of identifying a person charged with an offence under this Part.

Transcript

(10) No person except a party or a party's solicitor shall be given a copy of a transcript of the hearing, unless the court orders otherwise.

Time of detention limited

42.—(1) As soon as practicable, but in any event within five days after a child is brought to a place of safety under section 40 or subsection 75 (6) or a homemaker remains or is placed on premises under subsection 74 (2),

(a) the matter shall be brought before a court for a hearing under subsection 43 (1) (child protection hearing);

(b) the child shall be returned to the person who last had charge of the child or, where there is an order for the child's custody that is enforceable in Ontario, to the person entitled to custody under the order; or

(c) a temporary care agreement shall be made under subsection 29 (1) of Part II (Voluntary Access to Services).

Idem: place of open temporary detention

(2) Within twenty-four hours after a child is brought to a place of safety that is a place of open temporary detention, or as soon thereafter as is practicable, the matter shall be brought before a court for a hearing under subsection 43 (1) (child protection hearing), and the court shall,

(a) where it is satisfied that no less restrictive course of action is feasible, order that the child remain in the

place of open temporary detention for a period or periods not exceeding an aggregate of thirty days and then be returned to the care and custody of the society;

(b) order that the child be discharged from the place of open temporary detention and returned to the care and custody of the society; or

(c) make an order under subsection 47 (2) (temporary care and custody).

Child protection hearing

43.—(1) Where an application is made under subsection 40 (1) to determine whether the child is in need of protection, the court shall hold a hearing to determine the issue and make an order under section 53.

Child's name, age, etc.

(2) As soon as practicable, and in any event before determining whether a child is in need of protection, the court shall determine,

(a) the child's name and age;

(b) the religious faith, if any, in which the child is being raised;

(c) whether the child is an Indian or a native person and, if so, the child's band or native community; and

(d) where the child was brought to a place of safety before the hearing, the location of the place from which the child was removed.

Where sixteenth birthday intervenes

(3) Despite anything else in this Part, where the child was under the age of sixteen years when the proceeding was commenced or when the child was apprehended, the court may hear and determine the matter and make an order under this Part as if the child were still under the age of sixteen years.

Territorial jurisdiction defined

44.—(1) In this section, "territorial jurisdiction" means a society's territorial jurisdiction under subsection 15 (2).

Place of hearing

(2) A hearing under this Part with respect to a child shall be held in the territorial jurisdiction in which the child ordinarily resides, except that,

(a) where the child is brought to a place of safety before the hearing, the hearing shall be held in the

territorial jurisdiction in which the place from which the child was removed is located;

(b) where the child is in a society's care under an order for society or Crown wardship under section 53, the hearing shall be held in the society's territorial jurisdiction; and

(c) where the child is the subject of an order for society supervision under section 53, the hearing may be held in the society's territorial jurisdiction or in the territorial jurisdiction in which the parent or other person with whom the child is placed resides.

Transfer of proceeding

(3) Where the court is satisfied at any stage of a proceeding under this Part that there is a preponderance of convenience in favour of conducting it in another territorial jurisdiction, the court may order that the proceeding be transferred to that other territorial jurisdiction and be continued as if it had been commenced there.

Orders affecting society

(4) The court shall not make an order placing a child in the care or under the supervision of a society unless the place where the court sits is within the society's territorial jurisdiction.

Power of court

45. The court may, on its own initiative, summon a person to attend before it, testify and produce any document or thing, and may enforce obedience to the summons as if it had been issued under the *Family Law Reform Act*.

R.S.O. 1980, c. 152

Evidence at hearing: past conduct toward children

R.S.O. 1980, c. 145

46.—(1) Despite anything in the *Evidence Act*, before ordering that a child be placed in or returned to the care and custody of a person other than a society, the court may consider that person's past conduct toward any child that is or has been in his or her care, and any oral or written statement or report that the court considers relevant, including a transcript, exhibit or finding in an earlier civil or criminal proceeding, may be admitted into evidence and shall be proved as the court directs.

Idem: order of presentation

(2) In a hearing under subsection 43 (1), evidence relating only to the disposition of the matter shall not be admitted before the court has determined that the child is in need of protection.

Adjournments

47.—(1) The court shall not adjourn a hearing for more than thirty days,

(a) unless all the parties present and the person who will be caring for the child during the adjournment consent; or

(b) if the court is aware that a party who is not present at the hearing objects to the longer adjournment.

Custody during adjournment

(2) Where a hearing is adjourned, the court shall make a temporary order for care and custody providing that the child,

(a) remain in or be returned to the care and custody of the person who had charge of the child immediately before intervention under this Part;

(b) remain in or be returned to the care and custody of the person referred to in clause (a), subject to the society's supervision and on such reasonable terms and conditions relating to the child's supervision as the court considers appropriate;

(c) be placed in the care and custody of a person other than the person referred to in clause (a), with the consent of that other person, subject to the society's supervision and on such reasonable terms and conditions relating to the child's supervision as the court considers appropriate; or

(d) remain or be placed in the care and custody of the society, but not be placed in,

(i) a place of secure custody as defined in Part IV (Young Offenders), or

(ii) a place of open temporary detention as defined in that Part that has not been designated as a place of safety.

Criteria

(3) The court shall not make an order under clause (2) (c) or (d) unless the court is satisfied that there are reasonable and probable grounds to believe that there is a substantial risk to the child's health or safety and that the child can not be protected adequately by an order under clause (2) (a) or (b).

Application of s. 58

(4) Where the court makes an order under clause (2) (d), section 58 (parental consents) applies with necessary modifications.

Access

(5) An order made under clause (2) (c) or (d) may contain provisions regarding any person's right of access to the child

on such terms and conditions as the court considers appropriate.

Power to vary

(6) The court may at any time vary or terminate an order made under subsection (2).

Evidence on adjournments

(7) For the purpose of this section, the court may admit and act on evidence that the court considers credible and trustworthy in the circumstances.

Delay: court to fix date

48. Where an application is made under subsection 40 (1) to determine whether a child is in need of protection and the determination has not been made within three months after the commencement of the proceeding, the court,

(a) shall by order fix a date for the hearing of the application, and the date may be the earliest date that is compatible with the just disposition of the application; and

(b) may give such directions and make such orders with respect to the proceeding as are just.

Reasons, etc.

49.—(1) Where the court makes an order under this Part, the court shall give,

(a) a statement of any terms or conditions imposed on the order;

(b) a statement of every plan for the child's care proposed to the court;

(c) a statement of the plan for the child's care that the court is applying in its decision; and

(d) reasons for its decision, including,

(i) a brief statement of the evidence on which the court bases its decision, and

(ii) where the order has the effect of removing or keeping the child from the care of the person who had charge of the child immediately before intervention under this Part, a statement of the reasons why the child cannot be adequately protected while in the person's care.

Idem

(2) Clause (1) (b) does not require the court to identify a person with whom or a place where it is proposed that a child be placed for care and supervision.

ASSESSMENTS

Order for assessment

50.—(1) Where a child has been found to be in need of protection, the court may order that within a specified time,

(a) the child; or

(b) a parent or a person, except a foster parent, in whose charge the child has been or may be,

attend before and undergo an assessment by a specified person who is qualified, in the court's opinion, to perform medical, emotional, developmental, psychological, educational or social assessments and has consented to perform the assessment.

Report

(2) The person performing an assessment under subsection (1) shall make a written report of the assessment to the court within the time specified in the order, which shall not be more than thirty days unless the court is of the opinion that a longer assessment period is necessary.

Copies of report

(3) At least seven days before the court considers the report at a hearing, the court or, where the assessment was requested by a party, that party, shall provide a copy of the report to,

(a) the person assessed, subject to subsections (4) and (5);

(b) the child's solicitor or agent of record;

(c) a parent appearing at the hearing, or the parent's solicitor of record;

(d) the society caring for or supervising the child;

(e) a Director, where he or she requests a copy;

(f) where the child is an Indian or a native person, a representative chosen by the child's band or native community; and

(g) any other person who, in the opinion of the court, should receive a copy of the report for the purposes of the case.

Child under twelve

(4) Where the person assessed is a child less than twelve years of age, the child shall not receive a copy of the report unless the court considers it desirable that the child receive a copy of the report.

Child twelve or older

(5) Where the person assessed is a child twelve years of age or more, the child shall receive a copy of the report, except that where the court is satisfied that disclosure of all or part of the report to the child would cause the child emotional harm, the court may withhold all or part of the report from the child.

Assessment is evidence

(6) The report of an assessment ordered under subsection (1) is evidence and is part of the court record of the proceeding.

Inference from refusal

(7) The court may draw any inference it considers reasonable from a person's refusal to undergo an assessment ordered under subsection (1).

Report inadmissible: exceptions

(8) The report of an assessment ordered under subsection (1) is not admissible into evidence in any other proceeding except,

(a) an appeal in the proceeding under section 65;

(b) a proceeding under the *Coroners Act*; or R.S.O. 1980, c. 93

(c) a proceeding referred to in section 77 (recovery on child's behalf),

without the consent of the person or persons assessed.

Consent order: special requirements

51. Where a child is brought before the court on consent as described in clause 37 (2) (l), the court shall, before making an order under section 53 that would remove the child from the parent's care and custody,

(a) ask whether,

(i) the society has offered the parent and child services that would enable the child to remain with the parent, and

(ii) the parent and, where the child is twelve years of age or older, the child has consulted independent legal counsel in connection with the consent; and

(b) be satisfied that,

(i) the parent and, where the child is twelve years of age or older, the child understands the nature and consequences of the consent,

(ii) every consent is voluntary, and

(iii) the parent and, where the child is twelve years of age or older, the child consents to the order being sought.

Society's plan for child

52. The court shall, before making an order under section 53 or 61, obtain and consider a plan for the child's care prepared in writing by the society and including,

(a) a description of the services to be provided to remedy the condition or situation on the basis of which the child was found to be in need of protection;

(b) a statement of the criteria by which the society will determine when its wardship or supervision is no longer required;

(c) an estimate of the time required to achieve the purpose of the society's intervention;

(d) where the society proposes to remove or has removed the child from a person's care,

(i) an explanation of why the child cannot be adequately protected while in the person's care, and a description of any past efforts to do so, and

(ii) a statement of what efforts, if any, are planned to maintain the child's contact with the person; and

(e) where the society proposes to remove or has removed the child from a person's care permanently, a description of the arrangements made or being made for the child's long-term stable placement.

Order where child in need of protection

53.—(1) Where the court finds that a child is in need of protection and is satisfied that intervention through a court order is necessary to protect the child in the future, the court shall make one of the following orders, in the child's best interests:

Supervision order

1. That the child be placed with or returned to a parent or another person, subject to the supervision of

the society, for a specified period of at least three and not more than twelve months.

2. That the child be made a ward of the society and be placed in its care and custody for a specified period not exceeding twelve months. Society wardship

3. That the child be made a ward of the Crown, until the wardship is terminated under section 61 or expires under subsection 67 (1), and be placed in the care of the society. Crown wardship

4. That the child be made a ward of the society under paragraph 2 for a specified period and then be returned to a parent or another person under paragraph 1, for a period or periods not exceeding an aggregate of twelve months. Consecutive orders of society wardship and supervision

(2) In determining which order to make under subsection (1), the court shall ask the parties what efforts the society or another agency or person made to assist the child before intervention under this Part. Court to inquire

(3) The court shall not make an order removing the child from the care of the person who had charge of him or her immediately before intervention under this Part unless the court is satisfied that less restrictive alternatives, including non-residential services and the assistance referred to in subsection (2), Less restrictive alternatives preferred

(a) have been attempted and have failed;

(b) have been refused by the person having charge of the child; or

(c) would be inadequate to protect the child.

(4) Where the court decides that it is necessary to remove the child from the care of the person who had charge of him or her immediately before intervention under this Part, the court shall, before making an order for society or Crown wardship under paragraph 2 or 3 of subsection (1), consider whether it is possible to place the child with a relative, neighbour or other member of the child's community or extended family under paragraph 1 of subsection (1) with the consent of the relative or other person. Community placement to be considered

(5) Where the child referred to in subsection (4) is an Indian or a native person, unless there is a substantial reason Idem: where child an Indian or a native person

for placing the child elsewhere, the court shall place the child with,

(a) a member of the child's extended family;

(b) a member of the child's band or native community; or

(c) another Indian or native family.

Crown wardship order restricted

(6) The court shall not make an order for Crown wardship under paragraph 3 of subsection (1) unless the court is satisfied that the circumstances justifying the order are unlikely to change within a reasonably foreseeable time not exceeding twenty-four months so that the child can be returned to the care of the person who had charge of him or her immediately before intervention under this Part.

Idem

(7) When the court has dispensed with notice to a person under subsection 39 (7), the court shall not make an order for Crown wardship under paragraph 3 of subsection (1), or an order for society wardship under paragraph 2 of subsection (1) for a period exceeding thirty days, until a further hearing under subsection 43 (1) has been held upon notice to that person.

Terms and conditions of supervision order

(8) Where the court makes a supervision order under paragraph 1 of subsection (1), the court may impose reasonable terms and conditions relating to the child's care and supervision on,

(a) the person with whom the child is placed or to whom the child is returned;

(b) the supervising society;

(c) the child; and

(d) any other person who participated in the hearing.

Where no court order necessary

(9) Where the court finds that a child is in need of protection but is not satisfied that a court order is necessary to protect the child in the future, the court shall order that the child remain with or be returned to the person who had charge of the child immediately before intervention under this Part.

ACCESS

Access order

54.—(1) The court may, in the child's best interests,

(a) when making an order under this Part; or

(b) upon an application under subsection (2),

make, vary or terminate an order respecting a person's access to the child or the child's access to a person, and may impose such terms and conditions on the order as the court considers appropriate.

Who may apply

(2) Where a child is in a society's care and custody or supervision,

(a) the child;

(b) any other person, including, where the child is an Indian or a native person, a representative chosen by the child's band or native community; or

(c) the society,

may apply to the court at any time for an order under subsection (1).

Notice

(3) An applicant referred to in clause (2) (b) shall give notice of the application to the society.

Idem

(4) A society making or receiving an application under subsection (2) shall give notice of the application to,

(a) the child, subject to subsections 39 (4) and (5) (notice to child);

(b) the child's parent;

(c) the person caring for the child at the time of the application; and

(d) where the child is an Indian or a native person, a representative chosen by the child's band or native community.

Child over sixteen

(5) No order respecting access to a person sixteen years of age or more shall be made under subsection (1) without the person's consent.

Six month period

(6) No application shall be made under subsection (2) by a person other than a society within six months of,

(a) the making of an order under section 53;

(b) the disposition of a previous application by the same person under subsection (2);

(c) the disposition of an application under section 60 (review); or

(d) the final disposition or abandonment of an appeal from an order referred to in clause (a), (b) or (c),

whichever is later.

No application where child placed for adoption

(7) No person or society shall make an application under subsection (2) where the child,

(a) is a Crown ward;

(b) has been placed in a person's home by the society or by a Director for the purpose of adoption under Part VII (Adoption); and

(c) still resides in that person's home.

Access: where child removed from person in charge

55.—(1) Where an order is made under paragraph 1 or 2 of subsection 53 (1) removing a child from the person who had charge of the child immediately before intervention under this Part, the court shall make an order for access by the person unless the court is satisfied that continued contact with him or her would not be in the child's best interests.

Idem: Crown ward

(2) Where a child is made a Crown ward under paragraph 3 of subsection 53 (1), the court shall not make an order for access by the person who had charge of the child immediately before intervention under this Part unless the court is satisfied that,

(a) permanent placement in a family setting has not been planned or is not possible, and the person's access will not impair the child's future opportunities for such placement;

(b) the child is at least twelve years of age and wishes to maintain contact with the person;

(c) the child has been or will be placed with a person who does not wish to adopt the child; or

(d) some other special circumstance justifies making an order for access.

Termination of access to Crown ward

(3) The court shall not terminate an order for access to a Crown ward unless the court is satisfied that the circumstances that justified the making of the order under subsection (2) no longer exist.

PAYMENT ORDERS

Order for payment by parent

56.—(1) Where the court places a child in the care of,

(a) a society; or

(b) a person other than the child's parent, subject to a society's supervision,

the court may order a parent or a parent's estate to pay the society a specified amount at specified intervals for each day the child is in the society's care or supervision.

Criteria

(2) In making an order under subsection (1), the court shall consider those of the following circumstances of the case that the court considers relevant:

1. The assets and means of the child and of the parent or the parent's estate.

2. The child's capacity to provide for his or her own support.

3. The capacity of the parent or the parent's estate to provide support.

4. The child's and the parent's age and physical and mental health.

5. The child's mental, emotional and physical needs.

6. Any legal obligation of the parent or the parent's estate to provide support for another person.

7. The child's aptitude for and reasonable prospects of obtaining an education.

8. Any legal right of the child to support from another source, other than out of public moneys.

Order ends at eighteen

(3) No order made under subsection (1) shall extend beyond the day on which the child attains the age of eighteen years.

Power to vary

(4) The court may vary, suspend or terminate an order made under subsection (1) where the court is satisfied that the circumstances of the child or parent have changed.

Collection by municipality

(5) The council of a municipality may enter into an agreement with the board of directors of a society providing for the collection by the municipality, on the society's behalf, of the amounts ordered to be paid by a parent under subsection (1).

Enforcement

R.S.O. 1980, c. 152

(6) An order made against a parent under subsection (1) may be enforced under sections 27 to 32 of the *Family Law Reform Act* as if it were an order for support.

SOCIETY AND CROWN WARDSHIP

Application

57.—(1) This section applies where a child is made a society or Crown ward under paragraph 2 or 3 of subsection 53 (1).

Placement

(2) The society having care of a child shall choose a residential placement for the child that,

(a) represents the least restrictive alternative for the child;

(b) where possible, respects the religious faith, if any, in which the child is being raised;

(c) where possible, respects the child's linguistic and cultural heritage;

(d) where the child is an Indian or a native person, is with a member of the child's extended family, a member of the child's band or native community or another Indian or native family, if possible; and

(e) takes into account the child's wishes, if they can be reasonably ascertained, and the wishes of any parent who is entitled to access to the child.

Education

(3) The society having care of a child shall ensure that the child receives an education that corresponds to his or her aptitudes and abilities.

Placement outside or removal from Ontario

(4) The society having care of a child shall not place the child outside Ontario or permit a person to remove the child from Ontario permanently unless a Director is satisfied that extraordinary circumstances justify the placement or removal.

Rights of child, parent and foster parent

(5) The society having care of a child shall ensure that,

(a) the child is afforded all the rights referred to in Part V (Rights of Children); and

(b) the wishes of any parent who is entitled to access to the child and, where the child is a Crown ward, of any foster parent with whom the child has lived continuously for two years are taken into account in the society's major decisions concerning the child.

Change of placement

(6) The society having care of a child may remove the child from a foster home or other residential placement where, in the opinion of a Director or local director, it is in the child's best interests to do so.

Rights of foster parents in certain cases

(7) Where a child is a Crown ward and has lived with a foster parent continuously for two years, the society shall not remove the child under subsection (6) without first giving the foster parent ten days notice of the proposed removal and of his or her right to a review under section 64.

Time for review

(8) Where a foster parent requests a review under section 64 within ten days of receiving a notice under subsection (7), the society shall not remove the child until the review and any further review by a Director have been completed and unless the society's board of directors or the Director, as the case may be, recommend that the child be removed.

Exception where child at risk

(9) Subsections (7) and (8) do not apply where, in the opinion of a Director or local director, there would be a substantial risk to the child's health or safety during the time necessary for notice to the foster parent and a review under section 64.

Review of certain placements

(10) Sections 34, 35 and 36 (review by Residential Placement Advisory Committee, further review by Children's Services Review Board) of Part II (Voluntary Access to Services) apply to a residential placement made by a society.

Society ward: consent to medical treatment

58.—(1) Where a child is made a society ward under paragraph 2 of subsection 53 (1), the society may consent to and authorize medical treatment for the child where a parent's consent would otherwise be required, unless the court orders that the parent shall retain any right that he or she may have to give or refuse consent to medical treatment for the child.

Idem

(2) The court shall not make an order under subsection (1) where failure to consent to necessary medical treatment was a ground for finding that the child was in need of protection.

Court order

(3) Where a parent referred to in an order made under subsection (1) refuses or is unavailable or unable to consent to medical treatment for the child and the court is satisfied that the treatment would be in the child's best interests, the court may authorize the society to consent to the treatment.

Consent to child's marriage R.S.O. 1980, c. 256

(4) Where a child is made a society ward under paragraph 2 of subsection 53 (1), the child's parent retains any right that he or she may have under the *Marriage Act* to give or refuse consent to the child's marriage.

Crown custodian of Crown wards

59.—(1) Where a child is made a Crown ward under paragraph 3 of subsection 53 (1), the Crown has the rights and responsibilities of a parent for the purpose of the child's care, custody and control and has the right to give or refuse consent to medical treatment for the child where a parent's consent would otherwise be required, and the Crown's powers, duties and obligations in respect of the child, except those assigned to a Director by this Act or the regulations, shall be exercised and performed by the society caring for the child.

Society custodian of society wards

(2) Where a child is made a society ward under paragraph 2 of subsection 53 (1), the society has the rights and responsibilities of a parent for the purpose of the child's care, custody and control.

REVIEW

Application

60.—(1) This section applies where a child is the subject of an order for society supervision, society wardship or Crown wardship under subsection 53 (1).

Society to seek status review

(2) The society having care, custody or supervision of a child,

(a) may apply to the court at any time, subject to subsection (9);

(b) where the order is for society supervision or society wardship, shall apply to the court before the expiry of the order, except under subsection 67 (1) (age of eighteen); and

(c) where the society has removed the child from the care of a person with whom the child was placed under an order for society supervision, shall apply to the court within five days of the child's removal,

for review of the child's status.

Application of subs. (2) (a, c)

(3) Where a child is the subject of an order for society supervision under subsection 53 (1), clauses (2) (a) and (c) also apply to the society that has jurisdiction in the county or district in which the parent or other person with whom the child is placed resides.

Others may seek status review

(4) An application for review of a child's status may be made on notice to the society by,

(a) the child, where the child is at least twelve years of age;

(b) any parent of the child, subject to subsection (5);

(c) the person with whom the child was placed under an order for society supervision; or

(d) where the child is an Indian or a native person, a representative chosen by the child's band or native community.

Leave required in certain cases

(5) Where the child is a Crown ward and has lived with the same foster parent continuously during the two years immediately before the application, an application under subsection (4) shall not be made by any parent of the child without the court's leave.

Notice

(6) A society making an application under subsection (2) or receiving notice of an application under subsection (4) shall give notice of the application to,

(a) the child, subject to subsections 39 (4) and (5) (notice to child);

(b) the child's parent, unless the child is a Crown ward and is sixteen years of age or older;

(c) the person with whom the child was placed under an order for society supervision;

(d) a foster parent who has cared for the child continuously during the six months immediately before the application;

(e) where the child is an Indian or a native person, a representative chosen by the child's band or native community; and

(f) a Director, if the child is a Crown ward.

Six month period

(7) No application shall be made under subsection (4) within six months of,

(a) the making of the original order under subsection 53 (1);

(b) the disposition of a previous application by any person under subsection (4); or

(c) the final disposition or abandonment of an appeal from an order referred to in clause (a) or (b),

whichever is the latest.

Exception

(8) Subsection (7) does not apply where,

(a) the child is a society ward or the subject of an order for society supervision, or the child is a Crown ward and an order for access has been made under subsection 55 (2); and

(b) the court is satisfied that a major element of the plan for the child's care that the court applied in its decision is not being carried out.

No review where child placed for adoption

(9) No person or society shall make an application under this section where the child,

(a) is a Crown ward;

(b) has been placed in a person's home by the society or by a Director for the purpose of adoption under Part VII; and

(c) still resides in that person's home.

Interim care and custody

(10) Where an application is made under this section, the child shall remain in the care and custody of the person or society having charge of the child, until the application is disposed of, unless the court is satisfied that the child's best interests require a change in the child's care and custody.

Court may vary, etc.

61.—(1) Where an application for review of a child's status is made under section 60, the court may, in the child's best interests,

(a) vary or terminate the original order made under subsection 53 (1), including a term or condition or a provision for access that is part of the order;

(b) order that the original order terminate on a specified future date; or

(c) make a further order or orders under section 53.

Restriction

(2) Where a child has been made a Crown ward under paragraph 3 of subsection 53 (1), the court shall not make an order for society wardship under subsection (1).

Criteria

(3) Before making an order under subsection (1), the court shall consider,

(a) whether the grounds on which the original order was made still exist;

(b) whether the plan for the child's care that the court applied in its decision is being carried out;

(c) what services have been provided or offered under this Act to the person who had charge of the child immediately before intervention under this Part;

(d) whether the person is satisfied with those services;

(e) whether the society is satisfied that the person has co-operated with the society and with any person or agency providing services;

(f) whether the person or the child requires further services;

(g) whether, where immediate termination of an order has been applied for but is not appropriate, a future date for termination of the order can be estimated; and

(h) what is the least restrictive alternative that is in the child's best interests.

Director's annual review of Crown wards

62.—(1) A Director or a person authorized by a Director shall, at least once during each calendar year, review the status of every child,

(a) who is a Crown ward;

(b) who was a Crown ward throughout the immediately preceding twenty-four months; and

(c) whose status has not been reviewed under this section or under section 61 during that time.

Idem

(2) After a review under subsection (1), the Director may direct the society to make an application for review of the child's status under subsection 60 (2) or give any other direction that, in the Director's opinion, is in the child's best interests.

Investigation by judge

63.—(1) The Minister may appoint a judge of the Supreme Court, District Court, Unified Family Court, Provincial Court (Family Division), Provincial Court (Criminal Division), Provincial Offences Court or Provincial Court (Civil Division) to investigate a matter relating to,

(a) a child in a society's care; or

(b) the proper administration of this Part,

and the judge shall conduct the investigation and make a written report to the Minister.

Powers of judge

R.S.O. 1980, c. 411

(2) For the purposes of an investigation under subsection (1), the judge has the powers of a commission under Part II of the *Public Inquiries Act*, and that Part applies to the investigation as if it were an inquiry under that Act.

Society review procedure

64.—(1) A society shall establish a written review procedure, which shall be approved by a Director, for hearing and dealing with complaints by any person regarding services sought or received from the society, and shall make the review procedure available to any person on request.

Idem

(2) A review procedure established under subsection (1), shall include an opportunity for the person making the complaint to be heard by the society's board of directors.

Further review by Director

(3) A person who makes a complaint and is not satisfied with the response of the society's board of directors may have the matter reviewed by a Director.

APPEALS

Appeal

65.—(1) An appeal from a court's order under this Part may be made to the District Court by,

(a) the child, if the child is entitled to participate in the proceeding under subsection 39 (6) (child's participation);

(b) any parent of the child;

(c) the person who had charge of the child immediately before intervention under this Part;

(d) a Director or local director; or

(e) where the child is an Indian or a native person, a representative chosen by the child's band or native community.

Exception

(2) Subsection (1) does not apply to an order for an assessment under section 50.

Care and custody pending appeal

(3) Where a decision regarding the care and custody of a child is appealed under subsection (1), execution of the decision shall be stayed for the ten days immediately following service of the notice of appeal on the court that made the decision, and where the child is in the society's custody at the time the decision is made, the child shall remain in the care and custody of the society until,

(a) the ten day period of the stay has expired; or

(b) an order is made under subsection (4),

whichever is earlier.

Temporary order

(4) The District Court may, in the child's best interests, make a temporary order for the child's care and custody pending final disposition of the appeal, except an order placing the child in a place of secure custody as defined in Part IV (Young Offenders) or a place of secure temporary detention as defined in that Part that has not been designated as a place of safety, and the District Court may, on any party's motion before the final disposition of the appeal, vary or terminate the order or make a further order.

No extension where child placed for adoption

(5) No extension of the time for an appeal shall be granted where the child has been placed for adoption under Part VII (Adoption).

Further evidence

(6) The District Court may receive further evidence relating to events after the appealed decision.

Place of hearing

(7) An appeal under this section shall be heard in the county or district in which the order appealed from was made.

s. 41 applies

(8) Section 41 (hearings private, etc.) applies with necessary modifications to an appeal under this section.

EXPIRY OF ORDERS

Twenty-four month rule

66.—(1) Subject to subsection (3), the court shall not make an order under this Part that results in a child being a society ward for a continuous period exceeding twenty-four months.

Idem

(2) In the calculation of the twenty-four month period referred to in subsection (1), time during which a child is in a society's care,

(a) under an agreement made under subsection 29 (1) or 30 (1) (temporary care or special needs agreement) of Part II (Voluntary Access to Services); or

(b) under a temporary order made under clause 47 (2) (d),

shall be counted.

Idem

(3) Where the twenty-four month period referred to in subsection (1) expires and,

(a) an appeal of an order made under subsection 53 (1) has been commenced and is not yet finally disposed of; or

(b) the court has adjourned a hearing under section 61 (status review),

the period shall be deemed to be extended until the appeal has been finally disposed of and any new hearing ordered on appeal has been completed or an order has been made under section 61, as the case may be.

Expiry of orders

67.—(1) An order under this Part expires when the child who is the subject of the order,

(a) attains the age of eighteen years; or

(b) marries,

whichever comes first.

Crown ward: continuing care

(2) Where an order for Crown wardship expires under subsection (1), the society may, with a Director's approval, continue to provide care and maintenance for the former Crown ward in accordance with the regulations.

DUTY TO REPORT

Interpretation

68.—(1) In this section and in sections 69, 70 and 71, "to suffer abuse", when used in reference to a child, means to be in need of protection within the meaning of clause 37 (2) (a), (c), (e), (f) or (h).

Duty to report that child in need of protection

(2) A person who believes on reasonable grounds that a child is or may be in need of protection shall forthwith report the belief and the information upon which it is based to a society.

Idem: professional or official duties, suspicion of abuse

(3) Despite the provisions of any other Act, a person referred to in subsection (4) who, in the course of his or her professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information on which it is based to a society.

Application of subs. (3)

(4) Subsection (3) applies to every person who performs professional or official duties with respect to a child, including,

(a) a health care professional, including a physician, nurse, dentist, pharmacist and psychologist;

(b) a teacher, school principal, social worker, family counsellor, priest, rabbi, clergyman, operator or employee of a day nursery and youth and recreation worker;

(c) a peace officer and a coroner;

(d) a solicitor; and

(e) a service provider and an employee of a service provider.

Interpretation

(5) In clause (4) (b), "youth and recreation worker" does not include a volunteer.

Duty of society

(6) A society that obtains information that a child in its care and custody is or may be suffering or may have suffered abuse shall forthwith report the information to a Director.

Section overrides privilege

(7) This section applies although the information reported may be confidential or privileged, and no action for making the report shall be instituted against a person who acts in accordance with subsection (2) or (3) unless the person acts

maliciously or without reasonable grounds for the belief or suspicion, as the case may be.

Exception: solicitor client privilege

(8) Nothing in this section abrogates any privilege that may exist between a solicitor and his or her client.

REVIEW TEAMS

Interpretation

69.—(1) In this section, "review team" means a team established by a society under subsection (2).

Review teams

(2) Every society shall establish a review team that includes,

(a) persons who are professionally qualified to perform medical, psychological, developmental, educational or social assessments; and

(b) at least one legally qualified medical practitioner.

Chairman

(3) The members of a review team shall choose a chairman from among themselves.

Duty of team

(4) Whenever a society refers the case of a child who may be suffering or may have suffered abuse to its review team, the review team or a panel of at least three of its members, designated by the chairman, shall,

(a) review the case; and

(b) recommend to the society how the child may be protected.

Disclosure to team permitted

(5) Despite the provisions of any other Act, a person may disclose to a review team or to any of its members information reasonably required for a review under subsection (4).

Subsection overrides privilege

(6) Subsection (5) applies although the information disclosed may be confidential or privileged and no action for disclosing the information shall be instituted against a person who acts in accordance with subsection (5), unless the person acts maliciously or without reasonable grounds.

Where child not to be returned without review or hearing

(7) Where a society with a review team has information that a child placed in its care under subsection 47 (2) (temporary care and custody) or subsection 53 (1) (order where child in need of protection) may have suffered abuse, the society shall not return the child to the care of the person who had charge of the child at the time of the possible abuse unless,

(a) the society has,

(i) referred the case to its review team, and

(ii) obtained and considered the review team's recommendations; or

(b) the court has terminated the order placing the child in the society's care.

COURT-ORDERED ACCESS TO RECORDS

Interpretation

70.—(1) In this section, "record" means recorded information, regardless of physical form or characteristics.

Motion for order

(2) A Director or society may make a motion at any time for an order under subsection (3) for the production of a record or part of a record, on notice to the person in possession or control of the record.

Order for production

(3) Where the court is satisfied that,

(a) a record contains information that may be relevant to a consideration of whether a child is suffering abuse or is likely to suffer abuse; and

(b) the person in possession or control of the record has refused to permit the Director or local director to inspect it,

the court may order that the person produce the record or a specified part of the record for inspection and copying by the Director or local director or a person authorized by one of them or by the court.

Court may examine record

(4) In considering whether to make an order under subsection (3), the court may examine the record.

Information confidential

(5) No person who obtains information by means of an order made under subsection (3) shall disclose the information except,

(a) as specified in the order; and

(b) in testimony in a proceeding under this Part.

Application: solicitor client privilege excepted

(6) Subject to subsection (7), this section applies despite any other Act, but nothing in this section abrogates any privilege that may exist between a solicitor and his or her client.

Matters to be considered by court
R.S.O. 1980, c. 262

(7) Where an application under subsection (2) concerns a record that is a clinical record within the meaning of section 29 of the *Mental Health Act*, subsection 29 (6) (attending physician's statement, hearing) of that Act applies and the court shall give equal consideration to,

(a) the matters to be considered under subsection 29 (7) of that Act; and

(b) the need to protect the child's health and safety.

CHILD ABUSE REGISTER

Interpretation

71.—(1) In this section and in section 72,

(a) "Director" means the person appointed under subsection (2);

(b) "register" means the register maintained under subsection (5);

(c) "registered person" means a person identified in the register, but does not include,

(i) a person who reports to a society under subsection 68 (2) or (3) and is not the subject of the report, or

(ii) the child who is the subject of a report.

Director

(2) The Minister may appoint an employee of the Ministry as Director for the purposes of this section.

Duty of society

(3) A society that receives a report under section 68 that a child, including a child in the society's care, is or may be suffering or may have suffered abuse shall forthwith verify the reported information, or ensure that the information is verified by another society, in the manner determined by the Director, and if the information is verified, the society that verified it shall forthwith report it to the Director in the prescribed form.

Protection from liability

(4) No action or other proceeding for damages shall be instituted against an officer or employee of a society, acting in good faith, for an act done in the execution or intended execution of the duty imposed on the society by subsection (3) or for an alleged neglect or default of that duty.

Child abuse register

(5) The Director shall maintain a register in the manner prescribed by the regulations for the purpose of recording

information reported to the Director under subsection (3), but the register shall not contain information that has the effect of identifying a person who reports to a society under subsection 68 (2) or (3) and is not the subject of the report.

Register confidential

(6) Despite the provisions of any other Act, no person shall inspect, remove, alter or permit the inspection, removal or alteration of information maintained in the register, or disclose or permit the disclosure of information that the person obtained from the register, except as this section authorizes.

Coroner's inquest, etc.

(7) A person who is,

(a) a coroner, or a legally qualified medical practitioner or peace officer authorized in writing by a coroner, acting in connection with an investigation or inquest under the *Coroners Act*; or

R.S.O. 1980, c. 93

(b) the Official Guardian or the Official Guardian's authorized agent,

may inspect, remove and disclose information in the register in accordance with his or her authority.

Minister or Director may permit access to register

(8) The Minister or the Director may permit,

(a) a person who is employed by,

(i) the Ministry,

(ii) a society, or

(iii) a recognized child protection agency outside Ontario; or

(b) a person who is providing or proposes to provide counselling or treatment to a registered person,

to inspect and remove information in the register and to disclose the information to a person referred to in subsection (7) or to another person referred to in this subsection, subject to such terms and conditions as the Director may impose.

Director may disclose information

(9) The Minister or the Director may disclose information in the register to a person referred to in subsection (7) or (8).

Research

(10) A person who is engaged in research may, with the Director's written approval, inspect and use the information in the register, but shall not,

(a) use or communicate the information for any purpose except research, academic pursuits or the compilation of statistical data; or

(b) communicate any information that may have the effect of identifying a person named in the register.

Registered person

(11) A child, a registered person or the child's or registered person's solicitor or agent may inspect only the information in the register that refers to the child or registered person.

Physician

(12) A legally qualified medical practitioner may, with the Director's written approval, inspect the information in the register that is specified by the Director.

Amendment of register

(13) The Director or an employee of the Ministry acting under the Director's authority,

(a) shall remove a name from or otherwise amend the register where the regulations require the removal or amendment; and

(b) may amend the register to correct an error.

Register inadmissible: exceptions

(14) The register shall not be admitted into evidence in a proceeding except,

(a) to prove compliance or non-compliance with this section;

(b) in a hearing or appeal under section 72;

R.S.O. 1980, c. 93

(c) in a proceeding under the *Coroners Act*; or

(d) in a proceeding referred to in section 77 (recovery on child's behalf).

Interpretation

72.—(1) In this section, "hearing" means a hearing held under clause (4) (b).

Notice to registered person

(2) Where an entry is made in the register, the Director shall forthwith give written notice to each registered person referred to in the entry indicating that,

(a) the person is identified in the register;

(b) the person or the person's solicitor or agent is entitled to inspect the information in the register that refers to or identifies the person; and

(c) the person is entitled to request that the Director remove the person's name from or otherwise amend the register.

Request to amend register

(3) A registered person who receives notice under subsection (2) may request that the Director remove the person's name from or otherwise amend the register.

Director's response

(4) On receiving a request under subsection (3), the Director may,

(a) grant the request; or

(b) hold a hearing, on ten days written notice to the parties, to determine whether to grant or refuse the request.

Delegation

(5) The Director may authorize another person to hold a hearing and exercise the Director's powers and duties under subsection (8).

R.S.O. 1980, c. 484 applies

(6) The *Statutory Powers Procedure Act* applies to a hearing and a hearing shall be conducted in accordance with the prescribed practices and procedures.

Hearing

(7) The parties to a hearing are,

(a) the registered person;

(b) the society that verified the information referring to or identifying the registered person; and

(c) any other person specified by the Director.

Director's decision

(8) Where the Director determines, after holding a hearing, that the information in the register with respect to a registered person is in error or should not be in the register, the Director shall remove the registered person's name from or otherwise amend the register, and may order that the society's records be amended to reflect the Director's decision.

Appeal to Divisional Court

(9) A party to a hearing may appeal the Director's decision to the Divisional Court.

Hearing private

(10) A hearing or appeal under this section shall be held in the absence of the public and no media representative shall be permitted to attend.

Publication

(11) No person shall publish or make public information that has the effect of identifying a witness at or a participant in a hearing, or a party to a hearing other than a society.

Record inadmissible: exception

(12) The record of a hearing or appeal under this section shall not be admitted into evidence in any other proceeding except a proceeding under clause 81 (1) (d) (confidentiality of register) or clause 81 (1) (e) (amendment of society's records).

POWERS OF DIRECTOR

Director's power to transfer

73.—(1) A Director may direct, in the best interests of a child in the care or supervision of a society, that the child,

(a) be transferred to the care or supervision of another society; or

(b) be transferred from one placement to another placement designated by the Director.

Criteria

(2) In determining whether to direct a transfer under clause (1) (b), the Director shall take into account,

(a) the length of time the child has spent in the existing placement;

(b) the views of the foster parents; and

(c) the views and preferences of the child, where they are reasonably ascertainable.

HOMEMAKERS

Interpretation

74.—(1) In this section, "homemaker" means a person who is approved by a Director or local director for the purposes of this section.

Homemaker may remain on premises

(2) Where it appears to a person entering premises under section 40 that,

(a) a child who in the person's opinion is unable to care for himself or herself has been left on the premises without competent care or supervision; and

(b) no person having charge of the child is available or able to consent to the placement of a homemaker on the premises,

the person may, instead of taking the child to a place of safety,

(c) remain on the premises; or

(d) arrange with a society for the placement of a homemaker on the premises.

Homemaker's authority

(3) A homemaker who remains or is placed on premises under subsection (2) may enter and live there, carry on normal housekeeping activities that are reasonably necessary for the care of any child on the premises and exercise reasonable control and discipline over any such child.

Protection from personal liability

(4) No action shall be instituted against a homemaker who remains or is placed on premises under subsection (2) for,

(a) entering and living on the premises;

(b) anything done or omitted in connection with normal housekeeping activities on the premises;

(c) providing goods and services reasonably necessary for the care of any child on the premises; or

(d) the exercise of reasonable control and discipline over any child on the premises,

so long as the homemaker acts in good faith with reasonable care in the circumstances.

Notice to person having charge of child

(5) Where a homemaker remains or is placed on premises under subsection (2), the society shall forthwith notify or make reasonable efforts to notify the person last having charge of the child that a homemaker has been placed on the premises.

Court order, etc.

(6) Where a child with whom a homemaker has been placed under subsection (2),

(a) is found not to be in need of protection, the homemaker shall leave the premises; or

(b) is found to be in need of protection, the court may authorize the homemaker to remain on the premises until,

(i) a specified day not more than thirty days from the date of the order, or

(ii) a person who is entitled to custody of the child returns to care for the child,

whichever is sooner.

Extension

(7) Where no person returns to care for the child before the day specified in an order under clause (6) (b), the court may,

(a) extend the order; or

(b) hold a further hearing under section 43 and make an order under section 53.

OFFENCES, RESTRAINING ORDERS, RECOVERY ON CHILD'S BEHALF

Interpretation

75.—(1) In this section, "abuse" means a state or condition of being physically harmed, sexually molested or sexually exploited.

Child abuse

(2) No person having charge of a child shall,

(a) inflict abuse on the child; or

(b) by failing to care and provide for or supervise and protect the child adequately,

(i) permit the child to suffer abuse, or

(ii) permit the child to suffer from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development.

Leaving child unattended

(3) No person having charge of a child less than sixteen years of age shall leave the child without making provision for his or her supervision and care that is reasonable in the circumstances.

Reverse onus

(4) Where a person is charged with contravening subsection (3) and the child is less than ten years of age, the onus of establishing that the person made provision for the child's supervision and care that was reasonable in the circumstances rests with the person.

Allowing child to loiter, etc.

(5) No person having charge of a child less than sixteen years of age shall permit the child to,

(a) loiter in a public place; or

(b) be in a place of public entertainment, unless accompanied by the person or by an individual eighteen

years of age or older who is appointed by the person,

between the hours of midnight and 6 a.m.

Police may take child home or to place of safety

(6) Where a child who is actually or apparently less than sixteen years of age is in a place to which the public has access, unaccompanied by a responsible adult, between the hours of midnight and 6 a.m., a peace officer may apprehend the child without a warrant and proceed as if the child had been apprehended under subsection 40 (10) (child under twelve).

Child protection hearing

(7) The court may, in connection with a case arising under subsection (2), (3) or (5), proceed under this Part as if an application had been made under subsection 40 (1) (child protection proceeding) in respect of the child.

Restraining order

76.—(1) Where the court finds that a child is in need of protection, the court may, instead of or in addition to making an order under subsection 53 (1), make an order in the child's best interests restraining or prohibiting a person's access to or contact with the child, and may include in the order such directions as the court considers appropriate for implementing the order and protecting the child.

Idem: notice

(2) An order shall not be made under subsection (1) unless notice of the proceeding has been served personally on the person to be named in the order.

Six month maximum

(3) An order made under subsection (1) shall be in force for a specified period not exceeding six months.

Extension, variation and termination

(4) An application for the extension, variation or termination of an order made under subsection (1) may be made by,

(a) the person who is the subject of the order;

(b) the child;

(c) the person having charge of the child;

(d) a society;

(e) a Director; or

(f) where the child is an Indian or a native person, a representative chosen by the child's band or native community.

Idem

(5) Where an application is made under subsection (4), the court may, in the child's best interests,

(a) extend the order for a further period or periods of six months; or

(b) vary or terminate the order.

Child in society's care not to be returned while order in force

(6) Where a society has care of a child and an order made under subsection (1) prohibiting a person's access to the child is in force, the society shall not return the child to the care of,

(a) the person named in the order; or

(b) a person who may permit that person to have access to the child.

Interpretation

77.—(1) In this section, "to suffer abuse", when used in reference to a child, means to be in need of protection within the meaning of clause 37 (2) (a), (c), (e), (f) or (h).

Recovery on child's behalf

(2) When the Official Guardian is of the opinion that a child has a cause of action or other claim because the child has suffered abuse, the Official Guardian may, if he or she considers it to be in the child's best interests, institute and conduct proceedings on the child's behalf for the recovery of damages or other compensation.

Idem: society

(3) Where a child is in a society's care and custody, subsection (2) also applies to the society with necessary modifications.

Prohibition

78. No person shall place a child in the care and custody of a society, and no society shall take a child into its care and custody, except,

(a) in accordance with this Part; or

(b) under an agreement made under subsection 29 (1) or 30 (1) (temporary care or special needs agreement) of Part II (Voluntary Access to Services).

Offence

79. Where a child is the subject of an order for society supervision, society wardship or Crown wardship under subsection 53 (1), no person shall,

(a) induce or attempt to induce the child to leave the care of the person with whom the child is placed by the court or by the society, as the case may be;

(b) detain or harbour the child after the person or society referred to in clause (a) requires that the child be returned;

(c) interfere with the child or remove or attempt to remove the child from any place; or

(d) for the purpose of interfering with the child, visit or communicate with the person referred to in clause (a).

Offence

80. No person shall,

(a) knowingly give false information in an application under this Part; or

(b) obstruct, interfere with or attempt to obstruct or interfere with a child protection worker who is acting under section 40.

Offences

81.—(1) A person who contravenes,

(a) an order for access made under subsection 54 (1);

(b) subsection 68 (3) (reporting child abuse);

(c) subsection 70 (5) (disclosure of information obtained by court order);

(d) subsection 71 (6) or (10) (confidentiality of child abuse register);

(e) an order made under subsection 72 (8) (amendment of society's records);

(f) subsection 75 (3) or (5) (leaving child unattended, etc.);

(g) a restraining order made under subsection 76 (1);

(h) section 78 (unauthorized placement);

(i) any provision of section 79 (interference with child, etc.); or

(j) clause 80 (a) or (b),

and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable

to a fine of not more than $1,000 or, except in the case of a contravention of subsection 68 (3), to imprisonment for a term of not more than one year, or to both.

Idem

(2) A person who contravenes subsection 75 (2) (child abuse), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than two years, or to both.

Idem

(3) A person who contravenes subsection 41 (8) or 72 (11) (publication of identifying information) or an order prohibiting publication made under clause 41 (7) (c) or subsection 41 (9), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than $10,000 or to imprisonment for a term of not more than three years, or to both.

CHILD'S RELIGIOUS FAITH

How child's religious faith determined

82.—(1) For the purposes of this section, a child shall be deemed to have the religious faith agreed upon by the child's parent, but where there is no agreement or the court cannot readily determine what the religious faith agreed upon is or whether any religious faith is agreed upon, the court may decide what the child's religious faith is, if any, on the basis of the child's circumstances.

Child's wishes to be consulted

(2) The court shall consider the child's views and wishes, if they can be reasonably ascertained, in determining what the child's religious faith is, if any.

Religious faith of child

(3) A Protestant child shall not be committed under this Part to the care of a Roman Catholic society or institution and a Roman Catholic child shall not be committed under this Part to a Protestant society or institution, and a Protestant child shall not be placed in a foster home with a Roman Catholic family and a Roman Catholic child shall not be placed in a foster home with a Protestant family, and, where a child committed under this Part is other than Protestant or Roman Catholic, the child shall be placed where practicable with a family of his or her own religious faith, if any.

Where only one society

(4) Subsection (3) does not apply to the commitment of a child to the care of a society in a municipality in which there is only one society.

Director's discretion re foster placement

(5) Where a society,

(a) is unable to place a child in a suitable foster home within a reasonable time because of the operation of subsection (3); and

(b) would be able to place the child in a suitable foster home but for the operation of subsection (3),

the society may apply to a Director who may order that subsection (3) does not apply to the child in respect of the placement.

INJUNCTIONS

Injunction

83.—(1) The Supreme Court may grant an injunction to restrain a person from contravening section 79, on the society's application.

Variation, etc.

(2) The Supreme Court may vary or terminate an order made under subsection (1), on any person's application.

PART IV

YOUNG OFFENDERS

Interpretation

84. In this Part,

(a) "bailiff" means a bailiff appointed under clause 86 (1) (c);

(b) "Board" means the Custody Review Board established under subsection 92 (1);

S.C. 1980-81-82-83, c. 110

(c) "federal Act" means the *Young Offenders Act* (Canada);

(d) "maximum security place of custody" means a place of secure custody in which the Minister has established a maximum security custody program;

(e) "medium security place of custody" means a place of secure custody in which the Minister has established a medium security custody program;

(f) "place of open custody" means a place or facility designated as a place of open custody under subsection 24 (1) of the federal Act and operated by or for the Minister;

(g) "place of open temporary detention" means a place of temporary detention in which the Minister has established an open detention program;

(h) "place of secure custody" means a place or facility designated for the secure containment or restraint of young persons under subsection 24 (1) of the federal Act and operated by or for the Minister;

(i) "place of secure temporary detention" means a place of temporary detention in which the Minister has established a secure detention program;

(j) "place of temporary detention" means a place or facility designated as a place of temporary detention under subsection 7 (1) of the federal Act and operated by or for the Minister;

(k) "probation officer" means a probation officer appointed under clause 86 (1) (b);

(l) "provincial director" means a provincial director appointed under clause 86 (1) (a);

(m) "services and programs" means,

(i) prevention programs,

(ii) pre-trial detention and supervision programs,

(iii) open and secure custody programs,

(iv) probation services,

(v) programs for the administration and supervision of dispositions, and

(vi) other related services and programs;

(n) "young person" means a child as defined in paragraph 6 of subsection 3 (1) who is, or, in the absence of evidence to the contrary, appears to be,

(i) twelve years of age, or more, but

(ii) under sixteen years of age,

and includes a person sixteen years of age or more charged with having committed an offence while he or she was twelve years of age or more but under sixteen years of age.

PROGRAMS AND OFFICERS

Services and programs

85.—(1) The Minister may,

(a) establish, operate and maintain services and programs; and

(b) make agreements with persons for the provision of services and programs,

for or on behalf of young persons for the purposes of the federal Act and the *Provincial Offences Act*, and may make payments for those services and programs out of legislative appropriations.

R.S.O. 1980, c. 400

Secure and open temporary detention programs

(2) The Minister may establish,

(a) secure temporary detention programs, in which restrictions are continuously imposed on the liberty of young persons by physical barriers, close staff supervision or limited access to the community; and

(b) open temporary detention programs, in which restrictions that are less stringent than in a secure temporary detention program are imposed on the liberty of young persons,

in places of temporary detention.

Maximum and medium security custody programs

(3) The Minister may establish,

(a) maximum security custody programs, in which restrictions are continuously imposed on the liberty of young persons by physical barriers, close staff supervision or limited access to the community; and

(b) medium security custody programs, in which restrictions that are less stringent than in a maximum security custody program are imposed on the liberty of young persons,

in places of secure custody.

Open custody programs

(4) The Minister may establish open custody programs in places of open custody.

Where locking up permitted

(5) A place of secure custody and a place of secure temporary detention may be locked for the detention of young persons.

Appointments by Minister

86.—(1) The Minister may appoint any person as,

(a) a provincial director, to perform any or all of the duties and functions of a provincial director,

(i) under the federal Act, and

(ii) under the regulations;

(b) a probation officer, to perform any or all of the duties and functions,

(i) of a youth worker under the federal Act, and

(ii) of a probation officer for the purpose of dealing with young persons under the *Provincial Offences Act*, and

R.S.O. 1980, c. 400

(iii) of a probation officer under the regulations; and

(c) a bailiff, to perform any or all of the duties and functions of a bailiff under the regulations.

Limitations, etc., on appointments

(2) The Minister may set out in an appointment made under subsection (1) any conditions or limitations to which it is subject.

Probation officer and bailiff have powers of peace officer

(3) While performing their duties and functions, a probation officer appointed under clause (1) (b) and a bailiff appointed under clause (1) (c) have the powers of a peace officer.

Remuneration and expenses

R.S.O. 1980, c. 418

(4) The remuneration and expenses of a person appointed under subsection (1) who is not a public servant under the *Public Service Act* shall be fixed by the Minister and shall be paid out of legislative appropriations.

Approval of provincial director for provision of services to person over sixteen

87.—(1) With the approval of a provincial director, services may be provided under this Part to a person sixteen years of age or more who is a young person within the meaning of the federal Act but not within the meaning of clause 84 (n).

Person deemed to be young person

(2) A person who is the subject of an approval under subsection (1) shall be deemed to be a young person for the purposes of this Part.

Reports and information

88. A person in charge of a service or program provided under subsection 85 (1), a person in charge of a place of temporary detention, open custody or secure custody, a bailiff and a probation officer,

(a) shall make the prescribed reports and furnish the prescribed information to the Minister, in the prescribed form and at the prescribed intervals; and

(b) shall make a report to the Minister whenever the Minister requests it, in the form and containing the information specified by the Minister.

TEMPORARY DETENTION

Open detention unless provincial director determines otherwise

89.—(1) A young person who is detained under the federal Act in a place of temporary detention shall be detained in a place of open temporary detention unless a provincial director determines under subsection (2) that the young person is to be detained in a place of secure temporary detention.

Where secure detention available

(2) A provincial director may detain a young person in a place of secure temporary detention if the young person is charged with an offence for which an adult would be liable to imprisonment for five years or more and,

(a) the offence includes causing or attempting to cause serious bodily harm to another person;

(b) the young person has, at any time, failed to appear in court when required to do so under the federal Act or the *Juvenile Delinquents Act* (Canada) or escaped or attempted to escape from lawful detention; or

R.S.C. 1970, c. J-3

(c) the young person has, within the twelve months immediately preceding the offence on which the current charge is based, been convicted of an offence for which an adult would be liable to imprisonment for five years or more,

where the provincial director is satisfied that it is necessary to detain the young person in a place of secure temporary detention,

(d) to ensure the young person's attendance in court; or

(e) to protect the public interest or safety.

Idem

(3) Despite subsection (1), a young person who is apprehended because he or she has left or has not returned to a medium security or maximum security place of custody may be detained in a place of secure temporary detention until he or she is returned to the first-named place of custody.

Idem

(4) Despite subsection (1), a young person who is detained under the federal Act in a place of temporary detention may be detained in a place of secure temporary detention for a period not exceeding twenty-four hours while a provincial director makes a determination in respect of the young person under subsection (2).

Review by youth court

R.S.C. 1970, c. C-34

(5) A young person who is being detained in a place of secure temporary detention and is brought before a youth court for a review under the *Criminal Code* (Canada) may request that the youth court review the level of his or her detention, and the youth court may confirm the provincial director's decision under subsection (2) or may direct that the young person be transferred to a place of open temporary detention.

CUSTODY

Medium rather than maximum security custody unless provincial director determines otherwise

90.—(1) A young person who is committed to secure custody under the federal Act shall be held in a medium security place of custody unless a provincial director determines under subsection (2) that the young person is to be held in a maximum security place of custody.

Where maximum security custody available

(2) A provincial director may place a young person in or transfer a young person to a maximum security place of custody if the young person is committed to secure custody under the federal Act for an offence for which an adult would be liable to imprisonment for five years or more and,

(a) the offence for which the young person is committed to secure custody includes causing or attempting to cause serious bodily harm to another person; or

(b) the young person has, within the twelve months immediately preceding the offence for which he or she is committed to secure custody,

(i) been held in a maximum security place of custody, or

(ii) been found guilty of an offence for which an adult would be liable to imprisonment for five years or more,

where the provincial director is satisfied that it would not be appropriate to hold the young person in a medium security place of custody, having regard to,

(c) the young person's age and previous history;

(d) the circumstances of the commission of the offence for which the young person is committed to secure custody;

(e) the contents of a pre-disposition report;

(f) the needs of the young person; and

(g) the need to protect the public interest and safety.

Transfer from maximum to medium security custody

(3) A provincial director may transfer a young person from a maximum security place of custody to a medium security place of custody if the provincial director is satisfied that the

transfer is justified because the young person has made sufficient progress or for some other appropriate reason.

Reasons

(4) A provincial director who makes a determination under this section shall give written reasons for the determination to the young person and to the persons in charge of the places of custody from and to which the young person is transferred.

Young persons in open custody R.S.O. 1980, c. 400

91. Where a young person is sentenced to a term of imprisonment for breach of probation under clause 75 (d) of the *Provincial Offences Act*, to be served in open custody as set out in section 91k of that Act,

(a) the young person shall be held in a place of open custody specified by a provincial director; and

(b) the provisions of section 35 (temporary release) of the federal Act apply with necessary modifications.

CUSTODY REVIEW BOARD

Custody Review Board

92.—(1) The Custody Review Board is established, composed of the prescribed number of members appointed by the Lieutenant Governor in Council, and has the powers and duties given to it by this Part and the regulations.

Chairman and vice-chairmen

(2) The Lieutenant Governor in Council may appoint a member of the Board as chairman and may appoint one or more other members as vice-chairmen.

Term

(3) A member of the Board shall hold office for the prescribed term.

Quorum

(4) The prescribed number of members of the Board are a quorum.

Remuneration

(5) The chairman and vice-chairmen and the other members of the Board shall be paid the *per diem* allowances determined by the Lieutenant Governor in Council and are entitled to their reasonable and necessary travelling and living expenses while attending meetings or otherwise engaged in the work of the Board.

Duties of Board

(6) The Board shall conduct reviews under section 93 and perform such other duties as are assigned to it by the regulations.

Application to Board

93.—(1) A young person may apply to the Board for a review of,

(a) a provincial director's decision to hold the young person in or transfer the young person to a maximum security place of custody;

(b) the particular place where the young person is held or to which the young person has been transferred;

(c) a provincial director's refusal to authorize the young person's temporary release under section 35 of the federal Act; or

(d) the young person's transfer from a place of open custody to a place of secure custody under subsection 24 (9) of the federal Act,

within thirty days of the decision, placement or transfer, as the case may be.

Duty of Board

(2) The Board shall conduct a review with respect to an application made under subsection (1) and may do so by holding a hearing.

Idem

(3) The Board shall advise the young person whether it intends to hold a hearing or not within ten days of receiving the young person's application.

R.S.O. 1980, c. 484, does not apply

(4) The *Statutory Powers Procedure Act* does not apply to a hearing held under subsection (2).

Idem

(5) The Board shall complete its review and make a determination within thirty days of receiving a young person's application, unless,

(a) the Board holds a hearing with respect to the application; and

(b) the young person and the provincial director whose decision is being reviewed consent to a longer period for the Board's determination.

Board's recommendations

(6) After conducting a review under subsection (2), the Board may,

(a) recommend to the provincial director,

(i) that the young person be transferred to a medium security place of custody,

(ii) where the Board is of the opinion that the place where the young person is held or to

which he or she has been transferred is not appropriate to meet the young person's needs, that the young person be transferred to another place,

(iii) that the young person's temporary release be authorized under section 35 of the federal Act, or

(iv) where the young person has been transferred under subsection 24 (9) of the federal Act, that the young person be returned to a place of open custody; or

(b) confirm the decision, placement or transfer.

APPREHENSION OF YOUNG PERSONS WHO ARE ABSENT FROM CUSTODY WITHOUT PERMISSION

Apprehension of young person absent from place of temporary detention
R.S.O. 1980, c. 400

94.—(1) A peace officer, the person in charge of a place of temporary detention or that person's delegate, who believes on reasonable and probable grounds that a young person detained under the federal Act or the *Provincial Offences Act* in a place of temporary detention,

(a) has left the place without the consent of the person in charge; and

(b) fails or refuses to return there,

may apprehend the young person with or without a warrant and,

(c) take the young person to a place of temporary detention to be detained until he or she can be returned;

(d) arrange for the young person to be returned; or

(e) return the young person,

to the first-mentioned place of temporary detention.

Idem: place of open custody

(2) A peace officer, the person in charge of a place of open custody or that person's delegate, who believes on reasonable and probable grounds that a young person held in a place of open custody as described in section 91,

(a) has left the place without the consent of the person in charge and fails or refuses to return there; or

(b) fails or refuses to return to the place of open custody upon completion of a period of temporary release under clause 91 (b),

may apprehend the young person with or without a warrant and,

(c) take the young person to a place of temporary detention to be detained until he or she can be returned;

(d) arrange for the young person to be returned; or

(e) return the young person,

to the first-mentioned place of open custody.

Young person to be returned within forty-eight hours

(3) A young person who is detained in a place of temporary detention under this section shall be returned to the place from which he or she is absent, as soon as possible, but in any event within forty-eight hours after being detained.

Warrant to apprehend young person

(4) A justice of the peace who is satisfied on the basis of a sworn information that there are reasonable and probable grounds to believe that a young person held in a place of temporary detention or open custody,

(a) has left the place without the consent of the person in charge and fails or refuses to return there; or

(b) fails or refuses to return to a place of open custody upon completion of a period of temporary release under clause 91 (b),

may issue a warrant authorizing a peace officer, the person in charge of the place of temporary detention or open custody or that person's delegate to apprehend the young person.

Authority to enter, etc.

(5) A warrant issued under subsection (4) authorizes a person to whom it is directed to enter any premises where he or she reasonably believes the young person to be, by force if necessary, and to search for and remove the young person.

Regulations re exercise of power of entry

(6) A person authorized to enter premises by a warrant issued under subsection (4) shall exercise the power of entry in accordance with the regulations.

PART V

RIGHTS OF CHILDREN

Interpretation

95. In this Part, "child in care" means a child who is receiving residential services from a service provider and includes,

(a) a child who is in the care of a foster parent; and

S.C. 1980-81-82-83, c. 110

(b) a child who is detained in a place of temporary detention, committed to secure or open custody under the *Young Offenders Act* (Canada), or held in a place of open custody under section 91 of Part IV (Young Offenders).

LOCKING UP

Locking up restricted

96.—(1) No service provider shall detain a child or permit a child to be detained in locked premises in the course of the provision of a service to the child, except as Part IV (Young Offenders) and Part VI (Extraordinary Measures) authorize.

Application of subs. (1)

(2) Subsection (1) does not prohibit the routine locking of premises for security at night.

CORPORAL PUNISHMENT

No corporal punishment

97. No service provider or foster parent shall inflict corporal punishment on a child or permit corporal punishment to be inflicted on a child in the course of the provision of a service to the child.

OFFICE OF CHILD AND FAMILY SERVICE ADVOCACY

Office of Child and Family Service Advocacy

98. The Minister may establish an Office of Child and Family Service Advocacy to,

(a) co-ordinate and administer a system of advocacy, except for advocacy before a court, on behalf of children and families who receive or seek approved services or services purchased by approved agencies;

(b) advise the Minister on matters and issues concerning the interests of those children and families; and

(c) perform any similar functions given to it by this Act or the regulations or another Act or the regulations made under another Act.

RIGHTS OF CHILDREN IN CARE

Rights of communication, etc.

99.—(1) A child in care has a right,

(a) to speak in private with, visit and receive visits from members of his or her family regularly, subject to subsection (2);

(b) to speak in private with and receive visits from,

(i) the child's solicitor,

(ii) another person representing the child, including an advocate appointed for the child by the Office of Child and Family Service Advocacy referred to in section 98,

(iii) the Ombudsman appointed under the *Ombudsman Act* and members of the Ombudsman's staff, and R.S.O. 1980, c. 325

(iv) a member of the Legislative Assembly of Ontario or of the Parliament of Canada; and

(c) to send and receive mail that is not read, examined or censored by another person, subject to subsection (3).

When child a Crown ward

(2) A child in care who is a Crown ward is not entitled as of right to speak with, visit or receive visits from a member of his or her family, except under an order for access made under Part III (Child Protection).

Opening, etc., of mail to child

(3) Mail to a child in care,

(a) may be opened by the service provider or a member of the service provider's staff in the child's presence and may be inspected for articles prohibited by the service provider;

(b) where the service provider believes on reasonable grounds that the contents of the mail may cause the child physical or emotional harm, may be examined or read by the service provider or a member of the service provider's staff in the child's presence, subject to clause (c);

(c) shall not be examined or read by the service provider or a member of the service provider's staff if it is to or from the child's solicitor; and

(d) shall not be censored or withheld from the child, except that articles prohibited by the service provider may be removed from the mail and withheld from the child.

Personal liberties

100. A child in care has a right,

(a) to have reasonable privacy and possession of his or her own personal property; and

(b) to receive the religious instruction and participate in the religious activities of his or her choice, subject to section 102.

Plan of care

101.—(1) A child in care has a right to a plan of care designed to meet the child's particular needs, which shall be prepared within thirty days of the child's admission to the residential placement.

Rights to care

(2) A child in care has a right,

(a) to participate in the development of the child's individual plan of care and in any changes made to it;

(b) to receive meals that are well-balanced, of good quality and appropriate for the child;

(c) to be provided with clothing that is of good quality and appropriate for the child, given the child's size and activities and prevailing weather conditions;

(d) to receive medical and dental care, subject to section 102, at regular intervals and whenever required, in a community setting whenever possible;

(e) to receive an education that corresponds to the child's aptitudes and abilities, in a community setting whenever possible; and

(f) to participate in recreational and athletic activities that are appropriate for the child's aptitudes and interests, in a community setting whenever possible.

Parental consent, etc.

102. Subject to subsection 47 (4) and sections 58 and 59 (temporary order, society and Crown wards) of Part III (Child Protection), the parent of a child in care retains any right that he or she may have,

(a) to direct the child's education and religious upbringing; and

(b) to give or refuse consent to medical treatment for the child.

Right to be heard

103. A child in care has a right to be consulted and to express his or her views, to the extent that is practical given the child's level of understanding, whenever significant decisions concerning the child are made, including decisions with respect to medical treatment, education and religion and decisions with respect to the child's discharge from the placement or transfer to another residential placement.

Right to be informed

104. A child in care has a right to be informed, in language suitable for the child's level of understanding, of,

(a) the child's rights under this Part;

(b) the internal complaints procedure established under subsection 105 (1) and the further review available under section 106;

(c) the existence of the Office of Child and Family Service Advocacy referred to in section 98;

(d) the review procedures available for children twelve years of age or older under sections 34, 35 and 36 of Part II (Voluntary Access to Services);

(e) the review procedures available under section 93 of Part IV (Young Offenders), in the case of a child who is detained in a place of temporary detention, committed to secure or open custody under the *Young Offenders Act* (Canada), or held in a place of open custody under section 91 of Part IV (Young Offenders); S.C. 1980-81-82-83, c. 110

(f) the child's responsibilities while in the placement; and

(g) the rules governing day-to-day operation of the residential service, including disciplinary procedures,

upon admission to the residential placement, to the extent that is practical given the child's level of understanding.

COMPLAINT AND REVIEW PROCEDURES

Internal complaints procedure

105.—(1) A service provider who provides residential services to children or places children in residential placements shall establish a written procedure, in accordance with the regulations, for hearing and dealing with complaints regarding

alleged violations of the rights under this Part of children in care.

Idem

(2) A service provider shall conduct a review or ensure that a review is conducted, in accordance with the procedure established under subsection (1), on the complaint of,

(a) a child in care;

(b) the child's parent; or

(c) another person representing the child,

and shall seek to resolve the complaint.

Further review

106.—(1) Where a person referred to in subsection 105 (2) who makes a complaint and is not satisfied with the result of the review conducted under that subsection requests in writing that the Minister appoint a person to conduct a further review of the complaint, the Minister shall appoint a person who is not employed by the service provider to do so.

Idem

(2) A person appointed under subsection (1) shall review the complaint in accordance with the regulations and may, but is not required to, do so by holding a hearing.

R.S.O. 1980, c. 484 does not apply

(3) The *Statutory Powers Procedure Act* does not apply to a hearing held under subsection (2).

Powers of appointed person

(4) A person appointed under subsection (1) has, for the purposes of the review, all the powers of a program supervisor appointed under subsection 5 (2) of Part I (Flexible Services).

Review and report within thirty days

(5) A person appointed under subsection (1) shall, within thirty days after the day of the appointment, complete the review, set out in a report his or her findings and recommendations, including the reasons for not holding a hearing if none was held, and provide copies of the report to,

(a) the person who made the complaint;

(b) the service provider; and

(c) the Minister.

Minister to advise persons affected of any decision

107.—(1) Where the Minister decides to take any action with respect to a complaint after receiving a report under subsection 106 (5), the Minister shall advise the person who made the complaint and the service provider of the decision.

(2) The Minister's decision referred to in subsection (1) does not affect any other remedy that may be available. Remedies preserved

PART VI

EXTRAORDINARY MEASURES

Interpretation

108. In this Part,

(a) "administrator" means the person in charge of a secure treatment program;

(b) "intrusive procedure" means,

(i) a mechanical means of controlling behaviour,

(ii) an aversive stimulation technique, or

(iii) any other procedure,

that is prescribed as an intrusive procedure;

(c) "mental disorder" means a substantial disorder of emotional processes, thought or cognition which grossly impairs a person's capacity to make reasoned judgments;

(d) "psychotropic drug" means a drug or combination of drugs prescribed as a psychotropic drug;

(e) "review team" means an interdisciplinary review team established under subsection 123 (1);

(f) "secure isolation room" means a locked room approved under subsection 120 (1) for use for the secure isolation of children;

(g) "secure treatment program" means a program established or approved by the Minister under subsection 109 (1).

SECURE TREATMENT PROGRAMS

Minister may establish or approve programs

109.—(1) The Minister may,

(a) establish, operate and maintain; or

(b) approve,

programs for the treatment of children with mental disorders, in which continuous restrictions are imposed on the liberty of the children.

Terms and conditions

(2) The Minister may impose terms and conditions on an approval given under subsection (1) and may vary or amend the terms and conditions or impose new terms and conditions at any time.

Admission of children

(3) No child shall be admitted to a secure treatment program except by a court order under section 113 (commitment to secure treatment program) or under section 118 (emergency admission).

Locking up permitted

(4) The premises of a secure treatment program may be locked for the detention of children.

COMMITMENT TO SECURE TREATMENT

Who may apply for order for child's commitment

110.—(1) Any one of the following persons may, with the administrator's written consent, apply to the court for an order for the child's commitment to a secure treatment program:

1. Where the child is less than sixteen years of age,

   i. the child's parent,

   ii. a person other than an administrator who is caring for the child, if the child's parent consents to the application, or

   iii. a society that has custody of the child under an order made under Part III (Child Protection).

2. Where the child is sixteen years of age or more,

   i. the child,

   ii. the child's parent, if the child consents to the application, or

   iii. a physician.

Time for hearing

(2) Where an application is made under subsection (1), the court shall deal with the matter,

(a) where the child has been admitted to a secure treatment program under section 118 (emergency), within five days of the making of the application; or

(b) where the child has not been admitted to a secure treatment program under section 118, within ten

days of the making of an order under subsection (5) (legal representation) or, where no such order is made, within ten days of the making of the application.

Time for determination

(3) Where the child who is the subject of an application under subsection (1) has been admitted to a secure treatment program under section 118, the court shall dispose of the application within forty-five days of the making of the application, subject to subsection (4).

Adjournments

(4) The court may adjourn the hearing of an application but shall not adjourn it for more than thirty days unless the applicant and the child consent to the longer adjournment.

Legal representation of child

(5) Where an application is made under subsection (1) in respect of a child who does not have legal representation, the court shall, as soon as practicable and in any event before the hearing of the application, direct that legal representation be provided for the child.

Hearing private

(6) A hearing under this section shall be held in the absence of the public and no media representative shall be permitted to attend.

Child entitled to be present

(7) The child who is the subject of an application under subsection (1) is entitled to be present at the hearing unless,

(a) the court is satisfied that being present at the hearing would cause the child emotional harm; or

(b) the child, after obtaining legal advice, consents in writing to the holding of the hearing in his or her absence.

Court may require child's presence

(8) The court may require a child who has consented to the holding of the hearing in his or her absence under clause (7) (b) to be present at all or part of the hearing.

Child may waive hearing of oral evidence

111.—(1) Where an application is made under subsection 110 (1), the court shall deal with the matter by holding a hearing and shall hear oral evidence unless the child, after obtaining legal advice, consents in writing to the making of an order under subsection 113 (1) without the hearing of oral evidence, and the consent is filed with the court.

Court may hear oral evidence despite consent

(2) The court may hear oral evidence although the child has given a consent under subsection (1).

(3) A child's consent under subsection (1) is not effective for more than a single 180 day period referred to in subsection 114 (1) (period of commitment). Time limitation

112.—(1) The court may, at any time after an application is made under subsection 110 (1), order that the child attend within a specified time for an assessment before a specified person who is qualified, in the court's opinion, to perform an assessment to assist the court to determine whether the child should be committed to a secure treatment program and has consented to perform the assessment. Assessment

(2) The person performing an assessment under subsection (1) shall make a written report of the assessment to the court within the time specified in the order, which shall not be more than thirty days unless the court is of the opinion that a longer assessment period is necessary. Report

(3) The court shall not order an assessment to be performed by a person who provides services in the secure treatment program to which the application relates. Who may not perform assessment

(4) The court shall provide a copy of the report to, Copies of report

(a) the applicant;

(b) the child, subject to subsection (6);

(c) the child's solicitor;

(d) a parent appearing at the hearing;

(e) the administrator of the secure treatment program; and

(f) where the child is an Indian or a native person, a representative chosen by the child's band or native community.

(5) The court may cause a copy of the report to be given to a parent who does not attend the hearing but is, in the court's opinion, actively interested in the proceedings. Idem

(6) The court may withhold all or part of the report from the child where the court is satisfied that disclosure of all or part of the report to the child would cause the child emotional harm. Court may withhold report from child

Commitment to secure treatment: criteria

113.—(1) The court may order that a child be committed to a secure treatment program only where the court is satisfied that,

(a) the child has a mental disorder;

(b) the child has, as a result of the mental disorder, within the forty-five days immediately preceding,

(i) the application under subsection 110 (1),

S.C. 1980-81-82-83, c. 110
R.S.O.1980, c. 400

(ii) the child's detention or custody under the *Young Offenders Act* (Canada) or under the *Provincial Offences Act*, or

R.S.O.1980, c. 262

(iii) the child's admission to a psychiatric facility under the *Mental Health Act* as an involuntary patient,

caused or attempted to cause serious bodily harm to himself, herself or another person;

(c) the child has,

(i) within the twelve months immediately preceding the application, but on another occasion than that referred to in clause (b), caused, attempted to cause or by words or conduct made a substantial threat to cause serious bodily harm to himself, herself or another person, or

(ii) in committing the act or attempt referred to in clause (b), caused or attempted to cause a person's death;

(d) the secure treatment program would be effective to prevent the child from causing or attempting to cause serious bodily harm to himself, herself or another person;

(e) treatment appropriate for the child's mental disorder is available at the place of secure treatment to which the application relates; and

(f) no less restrictive method of providing treatment appropriate for the child's mental disorder is appropriate in the circumstances.

Where child under twelve

(2) Where the child is less than twelve years old, the court shall not make an order under subsection (1) unless the Minister consents to the child's commitment.

Additional requirement where applicant is physician

(3) Where the applicant is a physician, the court shall not make an order under subsection (1) unless the court is satisfied that the applicant believes the criteria set out in that subsection are met.

Period of commitment

114.—(1) Where the court makes an order under subsection 113 (1), the child shall be committed to the secure treatment program for a period of 180 days, subject to subsection (2).

Where society is applicant

(2) Where a child is committed to a secure treatment program on a society's application, the child shall be released on a day sixty days after the child's admission to the secure treatment program unless before that day,

(a) the child's parent consents to the child's commitment for a 180 day period; or

(b) the child is made a Crown or society ward under Part III (Child Protection).

How time calculated

(3) In the calculation of a child's period of commitment, time spent in the secure treatment program before an order has been made under section 113 (commitment) or pending an application under section 116 (extension) shall be counted.

Where order expires after eighteenth birthday

(4) A person who is the subject of an order made under subsection 113 (1) or 116 (4) may be kept in the secure treatment program after attaining the age of eighteen years, until the order expires.

Reasons, etc.

115.—(1) Where the court makes an order under subsection 113 (1) or 116 (4), the court shall give,

(a) reasons for its decision;

(b) a statement of the plan, if any, for the child's care on release from the secure treatment program; and

(c) a statement of the less restrictive alternatives considered by the court, and the reasons for rejecting them.

Plan for care on release

(2) Where no plan for the child's care on release from the secure treatment program is available at the time of the order,

the administrator shall, within ninety days of the date of the order, prepare such a plan and file it with the court.

EXTENSION OF PERIOD OF COMMITMENT

Who may apply for extension

116.—(1) Where a child is the subject of an order made under subsection 113 (1) (commitment) or subsection (4),

(a) a person referred to in subsection 110 (1), with the administrator's written consent; or

(b) the administrator, with a parent's written consent or, where the child is in a society's lawful custody, the society's consent,

may, before the expiry of the period of commitment, apply for an order extending the child's commitment to the secure treatment program.

Child may be kept in program while application pending

(2) Where an application is made under subsection (1), the child may be kept in the secure treatment program until the application is disposed of.

ss. 110 (4-8), 111, 112 apply

(3) Subsections 110 (4), (5), (6), (7) and (8) (hearing) and sections 111 (child's waiver) and 112 (assessment) apply with necessary modifications to an application made under subsection (1).

Criteria for extension

(4) The court may make an order extending a child's commitment to a secure treatment program only where the court is satisfied that,

(a) the child has a mental disorder;

(b) the secure treatment program would be effective to prevent the child from causing or attempting to cause serious bodily harm to himself, herself or another person;

(c) no less restrictive method of providing treatment appropriate for the child's mental disorder is appropriate in the circumstances;

(d) the child is receiving the treatment proposed at the time of the original order under subsection 113 (1), or other appropriate treatment; and

(e) there is an appropriate plan for the child's care on release from the secure treatment program.

(5) Where the court makes an order under subsection (4), the child shall be committed to the secure treatment program for a further period of 180 days. Period of extension

RELEASE BY ADMINISTRATOR

117.—(1) The administrator may release a child from a secure treatment program unconditionally where the administrator, Unconditional release by administrator

(a) has given the person with lawful custody of the child reasonable notice of the intention to release him or her; and

(b) is satisfied that,

(i) the child no longer requires the secure treatment program, and

(ii) there is an appropriate plan for the child's care on release from the secure treatment program.

(2) The administrator may release a child from a secure treatment program temporarily for medical or compassionate reasons, or for a trial placement in an open setting, for such period and on such terms and conditions as the administrator determines. Conditional release

(3) Subsections (1) and (2) apply despite an order made under subsection 113 (1) (commitment) or 116 (4) (extension). Administrator may release despite court order

EMERGENCY ADMISSION

118.—(1) Any one of the following persons may apply to the administrator for the emergency admission of a child to a secure treatment program: Who may apply for emergency admission

1. Where the child is less than sixteen years of age,

i. the child's parent,

ii. a person who is caring for the child with a parent's consent,

iii. a child protection worker who has apprehended the child under section 40 of Part III (Child Protection), or

iv. a society that has custody of the child under an order made under Part III.

2. Where the child is sixteen years of age or more,

i. the child,

ii. the child's parent, if the child consents to the application, or

iii. a physician.

Criteria for admission

(2) The administrator may admit a child to the secure treatment program on an application under subsection (1) where the administrator believes on reasonable grounds that,

(a) the child has a mental disorder;

(b) the child has, as a result of the mental disorder, during the seven days immediately preceding the day of the application, caused or attempted to cause serious bodily harm to himself, herself or another person;

(c) the secure treatment program would be effective to prevent the child from causing or attempting to cause serious bodily harm to himself, herself or another person;

(d) treatment appropriate for the child's mental disorder is available at the place of secure treatment to which the application relates; and

(e) no less restrictive method of providing treatment appropriate for the child's mental disorder is appropriate in the circumstances.

Admission on consent

(3) The administrator may admit the child under subsection (2) although the criterion set out in clause (2) (b) is not met, where,

(a) the other criteria set out in subsection (2) are met;

(b) the child, after obtaining legal advice, consents to his or her admission; and

(c) if the child is less than sixteen years of age, the child's parent or, where the child is in a society's lawful custody, the society consents to the child's admission.

Where child under twelve

(4) Where the child is less than twelve years old, the administrator shall not admit the child under subsection (2) unless the Minister consents to the child's admission.

Additional requirement where applicant is physician

(5) Where the applicant is a physician, the administrator shall not admit the child under subsection (2) unless the administrator is satisfied that the applicant believes the criteria set out in that subsection are met.

Five day limit

(6) As soon as practicable, but in any event within five days after a child is admitted to a secure treatment program under subsection (2),

(a) the child shall be released; or

(b) an application shall be made under section 110 for an order for the child's commitment to the secure treatment program.

POLICE ASSISTANCE

Police may take child for secure treatment

119. A peace officer may take a child to a place where there is a secure treatment program,

(a) for emergency admission, at the request of an applicant referred to in subsection 118 (1); or

(b) where an order for the child's commitment to the secure treatment program has been made under section 113.

SECURE ISOLATION

Director's approval

120.—(1) A Director may approve a locked room that complies with the prescribed standards and is located in premises where an approved service or a service purchased by an approved agency is provided, for use for the secure isolation of children, on such terms and conditions as the Director determines.

Withdrawal of approval

(2) Where a Director is of the opinion that a secure isolation room is unnecessary or is being used in a manner that contravenes this Part or the regulations, the Director may withdraw the approval given under subsection (1) and shall give the affected service provider notice of the decision, with reasons.

Prohibition

121.—(1) No service provider or foster parent shall isolate in a locked place a child who is in his or her care or permit

the child to be isolated in a locked place, except in accordance with this section and the regulations.

Secure treatment, secure custody and secure temporary detention

(2) Subsection (1) does not prohibit the routine locking at night of rooms in the premises of secure treatment programs or in places of secure custody and places of secure temporary detention under Part IV (Young Offenders).

Criteria for use of secure isolation

(3) A child may be placed in a secure isolation room where,

(a) in the service provider's opinion,

(i) the child's conduct indicates that the child is likely, in the immediate future, to cause serious property damage or to cause another person serious bodily harm, and

(ii) no less restrictive method of restraining the child is practicable; and

(b) where the child is less than twelve years of age, a Director gives permission for the child to be placed in a secure isolation room because of exceptional circumstances.

One hour limit

(4) A child who is placed in a secure isolation room shall be released within one hour unless the person in charge of the premises approves the child's longer isolation in writing and records the reasons for not restraining the child by a less restrictive method.

Continuous observation of child

(5) The service provider shall ensure that a child who is placed in a secure isolation room is continuously observed by a responsible person.

Review

(6) Where a child is kept in a secure isolation room for more than one hour, the person in charge of the premises shall review the child's isolation at prescribed intervals.

Release

(7) A child who is placed in a secure isolation room shall be released as soon as the person in charge is satisfied that the child is not likely to cause serious property damage or serious bodily harm in the immediate future.

Maximum periods

(8) In no event shall a child be kept in a secure isolation room for a period or periods that exceed an aggregate of eight hours in a given twenty-four hour period or an aggregate of twenty-four hours in a given week.

Review of use of secure isolation

122. A person in charge of premises containing a secure isolation room shall review,

(a) the need for the secure isolation room; and

(b) the prescribed matters,

every three months from the date on which the secure isolation room is approved under subsection 120 (1), shall make a written report of each review to a Director and shall make such additional reports as are prescribed.

REVIEW TEAMS

Review team

123.—(1) A service provider who is approved under subsection 124 (1) shall establish an interdisciplinary review team with the duty of reviewing and approving or refusing the proposed use of intrusive procedures.

Idem

(2) A review team shall consist of,

(a) persons employed by the service provider; and

(b) one person who is not employed by the service provider and is approved by the Minister,

and may also include a legally qualified medical practitioner.

Panel

(3) Any three members of a review team may review and approve or refuse the proposed use of an intrusive procedure.

Report to service provider

(4) A review team shall make a report to the service provider concerning every review conducted under subsection (3) and subsection 127 (1) (review of certain recommended procedures).

Report to Minister

(5) A review team shall make reports of its activities to the Minister at the prescribed intervals.

INTRUSIVE PROCEDURES

Approval by Minister

124.—(1) The Minister may approve a service provider for the use of the intrusive procedures specified in the approval and may set out in the approval any conditions and limitations to which it is subject.

Revocation, etc., of approval

(2) The Minister may at any time revoke, suspend or amend an approval given under subsection (1) and shall give the affected service provider notice, with reasons, of the Minister's decision.

Intrusive procedures restricted

125.—(1) No service provider shall use or permit the use of an intrusive procedure in respect of a child in the service provider's care, except in accordance with this section.

Exception

(2) Subsection (1) does not prohibit the use of restraints that are reasonably necessary for the secure transportation or transfer of a child who is detained or has been committed to custody under the *Young Offenders Act* (Canada) or to whom section 91 of Part IV (Young Offenders) (open custody) applies.

S.C. 1980-81-82-83, c. 110

When service provider may use or permit intrusive procedure

(3) A service provider who is approved under subsection 124 (1) may use or permit the use of an intrusive procedure in respect of a child in the service provider's care only,

(a) if the intrusive procedure is specified in the approval;

(b) in accordance with the conditions and limitations set out in the Minister's approval; and

(c) with the approval, obtained in advance and not more than thirty days before the intrusive procedure is used, of the service provider's review team.

Criteria

(4) A review team shall not approve the use of an intrusive procedure in respect of a child unless,

(a) if the child is sixteen years of age or more, the child consents to its use;

(b) if the child is less than sixteen years of age, the child's parent or, where the child is in a society's lawful custody, the society consents to its use;

(c) the child's behaviour warrants its use;

(d) at least one less intrusive alternative has been attempted without success in improving the child's behaviour;

(e) no other less intrusive alternative is practicable; and

(f) there are reasonable grounds to believe that the procedure would improve the child's behaviour.

Idem

(5) A review team shall not approve the use of an intrusive procedure in respect of a child who is less than sixteen years of age or lacks capacity within the meaning of section 4 with-

out first considering the child's views and preferences, where they can be reasonably ascertained.

Emergency

(6) Where,

(a) a service provider who is approved under subsection 124 (1) believes on reasonable grounds that delay in the use of an intrusive procedure in respect of a child in the service provider's care would cause the child or another person serious mental or physical harm;

(b) the intrusive procedure is specified in the Minister's approval;

(c) if the child is sixteen years of age or more, the child consents to the use of the intrusive procedure or apparently does not have capacity; and

(d) if the child is less than sixteen years of age, the child's parent or, where the child is in a society's lawful custody, the society,

(i) consents to the use of the intrusive procedure, or

(ii) is not immediately available,

the service provider may use or permit the use of the intrusive procedure in respect of the child, in accordance with the conditions and limitations set out in the Minister's approval, during a period not exceeding seventy-two hours, without the approval of the review team, despite clause (3) (c).

Idem

(7) Where a service provider uses or permits the use of an intrusive procedure under subsection (6), the service provider shall seek the review team's approval as soon as possible, and in any event within seventy-two hours of the first use of the intrusive procedure, and shall not continue its use or permit its continued use in respect of the child unless the review team approves it.

PSYCHOTROPIC DRUGS

Consents required for use of psychotropic drug

126.—(1) A service provider shall not administer or permit the administration of a psychotropic drug to a child in the service provider's care without,

(a) if the child is sixteen years of age or more, the child's consent; or

(b) if the child is less than sixteen years of age, the consent of the child's parent or, where the child is in a society's lawful custody, the society's consent.

Idem

(2) A consent referred to in subsection (1) shall identify the psychotropic drug clearly and shall specify,

(a) what condition the psychotropic drug is intended to alleviate;

(b) the range of intended dosages;

(c) any risks and possible side effects associated with the psychotropic drug, and how they vary with different dosages; and

(d) the frequency with which and the period of time during which the psychotropic drug is to be administered.

Child's views and preferences

(3) A service provider shall not administer or permit the administration of a psychotropic drug to a child in the service provider's care who is less than sixteen years of age or lacks capacity within the meaning of section 4 without first considering the child's views and preferences, where they can be reasonably ascertained, except under subsection (4).

Emergency

(4) Where,

(a) a service provider believes on reasonable grounds that,

(i) delay in the administration of a psychotropic drug to a child in the service provider's care would cause the child or another person serious mental or physical harm, and

(ii) no less restrictive course of action would prevent the harm;

(b) if the child is sixteen years of age or more, the child apparently does not have capacity; and

(c) if the child is less than sixteen years of age, the child's parent or, where the child is in a society's lawful custody, the society, is not immediately available,

the service provider may administer or permit the administration of the psychotropic drug to the child during a period not

exceeding seventy-two hours without the consent referred to in subsection (1).

Idem

(5) Where a service provider administers or permits the administration of a psychotropic drug under subsection (4), the service provider shall seek the consent referred to in subsection (1) as soon as possible, and in any event within seventy-two hours of the first administration of the psychotropic drug, and shall not continue its administration or permit its continued administration to the child unless the consent is given.

ADDITIONAL DUTY OF REVIEW TEAMS

Review of certain recommended procedures

127.—(1) Where it is recommended that a child in the care of or regularly receiving services from a service provider who has established a review team undergo,

(a) non-therapeutic medical or chemical experimentation;

(b) psychosurgery;

(c) non-therapeutic sterilization; or

(d) electro-convulsive therapy,

three members of the review team shall review the matter and advise the child's parent or, where the child is in a society's lawful custody, the society, and the service provider of the review team's opinion as to the appropriateness of the recommendation.

Panel to include medical practitioner

(2) One of the members of the review team acting under subsection (1) shall be a legally qualified medical practitioner.

Prohibition

(3) No procedure referred to in subsection (1) shall be carried out in premises where an approved service or a service purchased by an approved agency is provided.

PROFESSIONAL ADVISORY BOARD

Professional Advisory Board

128.—(1) The Minister may establish a Professional Advisory Board, composed of physicians and other professionals who,

(a) have special knowledge in the use of intrusive procedures and psychotropic drugs;

(b) have demonstrated an informed concern for the welfare and interests of children; and

(c) are not employed by the Ministry.

Chairman

(2) The Minister shall appoint one of the members of the Professional Advisory Board as its chairman.

Duties of Board

(3) The Professional Advisory Board shall, at the Minister's request,

(a) advise the Minister on,

(i) prescribing procedures as intrusive procedures, and

(ii) making, amending, suspending and revoking approvals under section 124;

(b) investigate and review the use of intrusive procedures and psychotropic drugs and make recommendations to the Minister; and

(c) review the practices and procedures of service providers with respect to,

(i) secure isolation,

(ii) intrusive procedures, and

(iii) psychotropic drugs,

and make recommendations to the Minister.

Request for review

129. Any person may request that the Minister refer the matter of the use of secure isolation or an intrusive procedure in respect of a child, or the administration of a psychotropic drug to a child, to the Professional Advisory Board for investigation and review.

PART VII

ADOPTION

Interpretation

130.—(1) In this Part,

(a) "birth parent", when used in reference to a child, means a person who is the child's parent at the time of the child's birth;

(b) "licensee" means the holder of a licence issued under Part IX (Licensing) to place children for adoption;

(c) "relative", when used in reference to a child, means the child's grandparent, great-uncle, great-aunt, uncle or aunt, whether by blood, marriage or adoption;

(d) "spouse" has the same meaning as in Parts I and II of the *Human Rights Code, 1981*. 1981, c. 53

Best interests of child

(2) Where a person is directed in this Part to make an order or determination in the best interests of a child, the person shall take into consideration those of the following circumstances of the case that he or she considers relevant:

1. The child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs.

2. The child's physical, mental and emotional level of development.

3. The child's cultural background.

4. The religious faith, if any, in which the child is being raised.

5. The importance for the child's development of a positive relationship with a parent and a secure place as a member of a family.

6. The child's relationships by blood or through an adoption order.

7. The importance of continuity in the child's care and the possible effect on the child of disruption of that continuity.

8. The child's views and wishes, if they can be reasonably ascertained.

9. The effects on the child of delay in the disposition of the case.

10. Any other relevant circumstance.

Where child an Indian or native person

(3) Where a person is directed in this Part to make an order or determination in the best interests of a child and the child is an Indian or native person, the person shall take into consideration the importance, in recognition of the uniqueness of Indian and native culture, heritage and traditions, of preserving the child's cultural identity.

CONSENT TO ADOPTION

Interpretation

131.—(1) In this section, "parent", when used in reference to a child, means each of,

(a) the child's mother;

(b) an individual described in one of paragraphs 1 to 6 of subsection 8 (1) of the *Children's Law Reform Act*, unless it is proved on a balance of probabilities that he is not the child's natural father;

R.S.O.1980, c. 68

(c) the individual having lawful custody of the child;

(d) an individual who, during the twelve months before the child is placed for adoption under this Part, has demonstrated a settled intention to treat the child as a child of his or her family, or has acknowledged parentage of the child and provided for the child's support;

(e) an individual who, under a written agreement or a court order, is required to provide for the child, has custody of the child or has a right of access to the child; and

(f) an individual who has acknowledged parentage of the child in writing under section 12 of the *Children's Law Reform Act*,

R.S.O.1980, c. 68

but does not include a licensee or a foster parent.

Consent of parent, etc.

(2) An order for the adoption of a child who is less than sixteen years of age, or is sixteen years of age or more but has

not withdrawn from parental control, shall not be made without,

(a) the written consent of every parent; or

(b) where the child has been made a Crown ward under Part III (Child Protection), the written consent of a Director.

Idem

(3) A consent under clause (2) (a) shall not be given before the child is seven days old.

Idem

(4) Where a child is being placed for adoption by a society or licensee, a consent under clause (2) (a) shall not be given until,

(a) the society or licensee has advised the parent of his or her right,

(i) to withdraw the consent under subsection (8),

(ii) to be informed, on his or her request, whether an adoption order has been made in respect of the child, and

(iii) to participate in the voluntary disclosure register under section 158; and

(b) the society or licensee has given the parent an opportunity to seek counselling and independent legal advice with respect to the consent.

Custody of child

(5) Where,

(a) a child is being placed for adoption by a society or licensee;

(b) every consent required under subsection (2) has been given and has not been withdrawn under subsection (8); and

(c) the twenty-one day period referred to in subsection (8) has expired,

the rights and responsibilities of the child's parents with respect to the child's custody, care and control are transferred to the society or licensee, until the consent is withdrawn under subsection 133 (1) (late withdrawal with leave of court) or an order is made for the child's adoption under section 140.

Consent of person to be adopted

(6) An order for the adoption of a person who is seven years of age or more shall not be made without the person's written consent.

Idem

(7) A consent under subsection (6) shall not be given until the person has had an opportunity to obtain counselling and independent legal advice with respect to the consent.

Withdrawal of consent

(8) A person who gives a consent under subsection (2) or (6) may withdraw it in writing within twenty-one days after the consent is given and where that person had custody of the child immediately before giving the consent, the child shall be returned to him or her as soon as the consent is withdrawn.

Dispensing with person's consent

(9) The court may dispense with a person's consent required under subsection (6) where the court is satisfied that,

(a) obtaining the consent would cause the person emotional harm; or

(b) the person is not able to consent because of a developmental handicap.

Consent of applicant's spouse

(10) An adoption order shall not be made on the application of a person who is a spouse without the written consent of the other spouse.

Consents by minors: role of Official Guardian

(11) Where a person who gives a consent under clause (2) (a) is less than eighteen years of age, the consent is not valid unless the Official Guardian is satisfied that the consent is fully informed and reflects the person's true wishes.

Affidavits of execution

(12) An affidavit of execution in the prescribed form shall be attached to a consent and a withdrawal of a consent under this section.

Form of foreign consents

(13) A consent required under this section that is given outside Ontario and whose form does not comply with the requirements of subsection (12) and the regulations is not invalid for that reason alone, if its form complies with the laws of the jurisdiction where it is given.

Dispensing with consent

132. The court may dispense with a consent required under section 131 for the adoption of a child, except the consent of the child or of a Director, where the court is satisfied that,

(a) it is in the child's best interests to do so; and

(b) the person whose consent is required has received notice of the proposed adoption and of the application to dispense with consent, or a reasonable effort to give the notice has been made.

Late withdrawal of consent

133.—(1) The court may permit a person who gave a consent to the adoption of a child under section 131 to withdraw the consent after the twenty-one day period referred to in subsection 131 (8) where the court is satisfied that it is in the child's best interests to do so, and where that person had custody of the child immediately before giving the consent, the child shall be returned to him or her as soon as the consent is withdrawn.

Exception: child placed for adoption

(2) Subsection (1) does not apply where the child has been placed with a person for adoption and remains in that person's care.

PLACEMENT FOR ADOPTION

Duty of society

134.—(1) A society shall make all reasonable efforts to secure the adoption of,

(a) every child who has been made a Crown ward under Part III (Child Protection) and is in the society's care and custody; and

(b) at the request of a Director or of another society, any child who has been made a Crown ward and is in that society's care and custody.

When society may place child for adoption

(2) No society shall place a child for adoption until,

(a) any outstanding order of access to the child made under subsection 54 (1) of Part III has been terminated;

(b) where the child is a Crown ward, the time for commencing an appeal of the order of Crown wardship or of an order under subsection 61 (1) of Part III (status review) has expired; or

(c) where the child is a Crown ward, any appeal of an order referred to in clause (b) has been finally disposed of or abandoned,

whichever is the latest.

Where child an Indian or native person

(3) Where a child to be placed for adoption is an Indian or a native person, the society shall give the child's band or

native community thirty days written notice of its intention to place the child for adoption.

Only societies and licensees may place children, etc.

135.—(1) No person except a society or licensee shall,

(a) place a child with another person for adoption; or

(b) take, send or attempt to take or send a child who is a resident of Ontario out of Ontario to be placed for adoption.

Only societies, etc., may bring children into Ontario

(2) No person except a society or a licensee whose licence contains a term permitting the licensee to act under this subsection shall bring a child who is not a resident of Ontario into Ontario to be placed for adoption.

Licensee to notify Director of placement

(3) No licensee except a licensee exempted under subsection (5) shall,

(a) place a child with another person for adoption; or

(b) take, send or attempt to take or send a child who is a resident of Ontario out of Ontario to be placed for adoption,

without first notifying a Director of the proposed placement.

Director's approval required

(4) No person shall receive a child for adoption, except from a society or from a licensee exempted under subsection (5), without first receiving a Director's approval of the placement under clause 136 (2) (a).

Designation of licensee

(5) A Director may designate a licensee that is an agency as exempt from the requirements of subsections (3) and (4).

Placements to be registered

(6) A society or licensee who places a child with another person for adoption shall register the placement in the prescribed manner within thirty days of placing the child.

Idem: Director

(7) A Director who becomes aware of any placement for adoption of a child that has not been registered under subsection (6) shall forthwith register the placement in the prescribed manner.

Exception: family adoptions

(8) Subsections (1), (2), (3), (4), (6) and (7) do not apply to,

(a) the placement for adoption of a child with the child's relative, the child's parent or a spouse of the child's parent; or

(b) the taking or sending of a child out of Ontario for adoption by the child's relative, the child's parent or a spouse of the child's parent.

Adoption homestudy

136.—(1) A licensee who notifies a Director of a proposed placement under subsection 135 (3) shall at the same time provide the Director with a report of an adoption homestudy of the person with whom placement is proposed, prepared by a person who, in the opinion of the Director or a local director, is qualified to make an adoption homestudy.

Director's approval

(2) A Director who receives a report under subsection (1) shall consider it and, as soon as possible,

(a) approve the proposed placement; or

(b) refuse to approve the placement and give notice of the refusal to the licensee and the person with whom placement is proposed.

Right to hearing

(3) Where a Director gives notice under clause (2) (b), the licensee and the person with whom placement is proposed are entitled to a hearing before the Board and sections 180, 182, 184 and 185 of Part IX (Licensing) apply with necessary modifications.

Placement outside Canada

(4) A Director shall not approve the proposed placement of a child outside Canada unless the Director is satisfied that a prescribed special circumstance justifies the placement.

Terms and conditions

(5) A Director may approve a proposed placement under clause (2) (a) subject to any terms and conditions that the Director considers appropriate, including supervision of the placement by,

(a) a specified society, licensee or person; or

(b) in the case of a placement outside Ontario, a specified child protection agency recognized in the jurisdiction of the placement.

Right to hearing

(6) Where a Director imposes a term or condition on an approval under subsection (5), the licensee and the person with whom placement is proposed are entitled to a hearing before the Board and sections 181, 182, 184 and 185 of Part IX (Licensing) apply with necessary modifications.

Access orders terminate

137.—(1) Where a child is placed for adoption by a society or licensee, every order respecting access to the child

is terminated, except an order made under Part III (Child Protection).

No interference, etc., with child in placement

(2) Where a child has been placed for adoption by a society or licensee and no adoption order has been made, no person shall,

(a) interfere with the child; or

(b) for the purpose of interfering with the child, visit or communicate with the child or with the person with whom the child has been placed.

DIRECTOR'S REVIEW

Review by Director

138.—(1) Where,

(a) a society makes a decision refusing to place a child with a person, including a foster parent who is caring for the child, for adoption; or

(b) a society or licensee makes a decision to remove a child who has been placed with a person for adoption,

a Director may review the decision of the society or licensee and may,

(c) confirm the decision, giving written reasons for doing so; or

(d) rescind the decision and do anything further that the society or licensee may do under this Part with respect to the child's placement.

Idem

(2) A Director who reviews a decision under subsection (1) shall take into account the importance of continuity in the child's care.

Notice to Director

139.—(1) Where a child has been placed for adoption under this Part, no order for the child's adoption has been made and,

(a) the person with whom the child is placed asks the society or licensee that placed the child to remove the child; or

(b) the society or licensee proposes to remove the child from the person with whom the child was placed,

the society or licensee shall notify a Director.

Idem

(2) Where no order for a child's adoption has been made and a year has expired since,

(a) the earlier of the child's placement for adoption or the giving of the most recent consent under clause 131 (2) (a); or

(b) the most recent review under subsection (3),

whichever is later, the society or licensee shall notify a Director, unless the child is a Crown ward.

Director's review

(3) A Director who receives notice under subsection (1) or (2) shall review the child's status and may, in the child's best interests,

(a) where the child is in the care of the person with whom the child was placed for adoption, confirm the child's placement or do anything the society or licensee that placed the child may do with respect to the child's placement or further placement;

(b) where the child was placed for adoption by a licensee, direct the licensee to place the child in the care and custody of a specified society;

(c) where the child is in the care, custody and control of a society, direct the society to bring the child before the court under Part III to determine whether the child is in need of protection;

(d) where the child leaves or is removed from the care of the person with whom the child was placed for adoption, do anything the society or licensee that placed the child may do with respect to the child's further placement; or

(e) where a parent who gave consent under clause 131 (2) (a) and had charge of the child at the time the consent was given agrees to resume the child's care and custody, direct the society or licensee that placed the child to return the child to the parent.

Deemed withdrawal of consent

(4) Where a Director directs a society or licensee to return a child to a parent under clause (3) (e), the parent's consent under clause 131 (2) (a) shall be deemed to be withdrawn.

ADOPTION ORDERS

Adoption of child

140.—(1) The court may make an order for the adoption of a child who is less than sixteen years of age, or is sixteen years of age or more but has not withdrawn from parental control, and,

(a) has been placed for adoption by a society or licensee;

(b) was placed for adoption before the 15th day of June, 1979; or

(c) has been placed for adoption by a person other than a society or licensee and has resided with the applicant for at least two years,

in the child's best interests, on the application of the person with whom the child is placed.

Family adoption

(2) The court may make an order for the adoption of a child, in the child's best interests, on the application of,

(a) a relative of the child;

(b) the child's parent; or

(c) the spouse of the child's parent.

Adoption of adult, etc.

(3) The court may make an order for the adoption of,

(a) a person eighteen years of age or more; or

(b) a child who is sixteen years of age or more and has withdrawn from parental control,

on another person's application.

Who may apply

(4) An application under this section may only be made,

(a) by one individual; or

(b) jointly, by two individuals who are spouses of one another.

Residency requirement

(5) The court shall not make an order under this section for the adoption of, or on the application of, a person who is not a resident of Ontario.

Where applicant a minor

141. The court shall not make an order under section 140 on the application of a person who is less than eighteen years of age unless the court is satisfied that special circumstances justify making the order.

Where order not to be made

142. Where the court has made an order,

(a) dispensing with a consent under section 132; or

(b) refusing to permit the late withdrawal of a consent under subsection 133 (1),

the court shall not make an order under section 140 until,

(c) the time for commencing an appeal of the order has expired; or

(d) any appeal of the order has been finally disposed of or abandoned,

whichever is later.

Director's statement

143.—(1) Where an application is made for an order for the adoption of a child under subsection 140 (1), a Director shall, before the hearing, file a written statement with the court indicating,

(a) that the child has resided with the applicant for at least six months or, in the case of an application under clause 140 (1) (c), for at least two years and, in the Director's opinion, it would be in the child's best interests to make the order;

(b) in the case of an application under clause 140 (1) (a), that for specified reasons it would be in the child's best interests, in the Director's opinion, to make the order although the child has resided with the applicant for less than six months; or

(c) that the child has resided with the applicant for at least six months or, in the case of an application under clause 140 (1) (c), for at least two years and, in the Director's opinion, it would not be in the child's best interests to make the order,

and referring to any additional circumstances that the Director wishes to bring to the court's attention.

Local director may make statement

(2) Where a child was placed by a society and has resided with the applicant for at least six months, the statement under subsection (1) may be made and filed by the local director.

Amendment of statement, etc.

(3) The Director or local director, as the case may be, may amend the statement referred to in subsection (1) at any time and may attend at the hearing and make submissions.

Where recommendation negative

(4) Where the statement under subsection (1) indicates that, in the Director's or local director's opinion, it would not be in the child's best interests to make the order, a copy of the statement shall be filed with the court and served on the applicant at least thirty days before the hearing.

Report of child's adjustment

(5) The statement under subsection (1) shall be based on a report of the child's adjustment in the applicant's home, prepared by,

(a) the society that placed the child or has jurisdiction where the child is placed; or

(b) a person approved by the Director or local director.

Family adoptions: court may require statement

(6) Where an application is made for an order for the adoption of a child under subsection 140 (2), the court may order that subsections (1), (3), (4) and (5) shall apply to the application.

Place of hearing

144.—(1) An application for an adoption order shall be heard and dealt with in the county or district in which,

(a) the applicant; or

(b) the person to be adopted,

resides at the time the application is filed.

Transfer of proceeding

(2) Where the court is satisfied at any stage of an application for an adoption order that there is a preponderance of convenience in favour of conducting it in another county or district, the court may order that it be transferred to that other county or district and be continued as if it had been commenced there.

Hearing in private

145.—(1) An application for an adoption order shall be heard and dealt with in the absence of the public.

Court files private

(2) No person shall have access to the court file concerning an application for an adoption order, except,

(a) the court and authorized court employees;

(b) the parties and their solicitors and agents; and

(c) a Director and a local director.

Stale applications

(3) Where an application for an adoption order is not heard within twelve months of the day on which the applicant signed it,

(a) the court shall not hear the application unless the court is satisfied that it is just to do so; and

(b) the applicant may make another application.

No right to notice

(4) No person,

(a) who has given a consent under clause 131 (2) (a) and has not withdrawn it;

(b) whose consent has been dispensed with under section 132; or

(c) who is a parent of a Crown ward who is placed for adoption,

is entitled to receive notice of an application under section 140.

Power of court

146.—(1) The court may, on its own initiative, summon a person to attend before it, testify and produce any document or thing, and may enforce obedience to the summons as if it had been issued under the *Family Law Reform Act*.

R.S.O.1980, c. 152

Duty of court

(2) The court shall not make an order for the adoption of a child under subsection 140 (1) or (2) unless the court is satisfied that,

(a) every person who has given a consent under section 131 understands the nature and effect of the adoption order; and

(b) every applicant understands and appreciates the special role of an adopting parent.

Participation of child

(3) Where an application is made for an order for the adoption of a child under subsection 140 (1) or (2), the court shall,

(a) inquire into the child's capacity to understand and appreciate the nature of the application; and

(b) consider the child's views and wishes, if they can be reasonably ascertained,

and where it is practical to do so shall hear the child.

Participation of adult, etc.

(4) Where an application is made for an order for the adoption of a person under subsection 140 (3), the court shall consider the person's views and wishes and, on request, hear the person.

Change of name

147.—(1) Where the court makes an order under section 140, the court may, at the request of the applicant or applicants and, where the person adopted is twelve years of age or more, with the person's written consent,

(a) change the person's surname to a surname that the person could have been given if he or she had been born to the applicant or applicants; and

(b) change the person's given name.

When child's consent not required

(2) A child's consent to a change of name under subsection (1) is not required where the child's consent was dispensed with under subsection 131 (9).

INTERIM ORDERS

Interim order

148.—(1) Where an application is made for an order for the adoption of a child under subsection 140 (1) or (2), the court, after considering the statement made under subsection 143 (1), may postpone the determination of the matter and make an interim order in the child's best interests placing the child in the applicant's care and custody for a specified period not exceeding one year.

Terms and conditions

(2) The court may make an order under subsection (1) subject to any terms and conditions that the court considers appropriate respecting,

(a) the child's maintenance and education;

(b) supervision of the child; and

(c) any other matter the court considers advisable in the child's best interests.

Not an adoption order

(3) An order under subsection (1) is not an adoption order.

Consents required

(4) Sections 131 and 132 (consents to adoption) apply to an order under subsection (1) with necessary modifications.

Departure from Ontario

(5) Where an applicant takes up residence outside Ontario after obtaining an order under subsection (1), the court may nevertheless make an adoption order under subsection 140 (1) or (2) where the statement made under subsection 143 (1) indicates that, in the Director's or local director's opinion, it would be in the child's best interests to make the order.

Successive adoption orders

149. An adoption order under subsection 140 (1) or (2) or an interim custody order under subsection 148 (1) may be made in respect of a person who is the subject of an earlier adoption order.

APPEALS

Appeal: adoption order

150.—(1) An appeal from a court's order under section 140 may be made to the District Court by,

(a) the applicant for the adoption order; and

(b) the Director or local director who made the statement under subsection 143 (1).

Idem: dispensing with consent

(2) An appeal from a court's order under section 132 dispensing with a consent may be made to the District Court by,

(a) the persons referred to in subsection (1); and

(b) the person whose consent was dispensed with.

Idem: late withdrawal of consent

(3) An appeal from a court's order under subsection 133 (1) permitting the late withdrawal of a consent may be made to the District Court by,

(a) the persons referred to in subsection (1); and

(b) the person who gave the consent.

No extension of time for appeal

(4) No extension of the time for an appeal shall be granted.

Place of hearing

(5) An appeal under this section shall be heard in the county or district in which the order appealed from was made.

Hearing in private

(6) An appeal under this section shall be heard in the absence of the public.

EFFECT OF ADOPTION ORDER

Order final

151. An adoption order under section 140 is final and irrevocable, subject only to section 150 (appeals), and shall not be questioned or reviewed in any court by way of injunction, declaratory judgment, *certiorari*, *mandamus*, prohibition, *habeas corpus* or application for judicial review.

Interpretation

152.—(1) In this section, "adopted child" means a person who was adopted in Ontario.

Status of adopted child

(2) For all purposes of law, as of the date of the making of an adoption order,

(a) the adopted child becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child; and

(b) the adopted child ceases to be the child of the person who was his or her parent before the adoption order was made and that person ceases to be the parent of the adopted child, except where the person is the spouse of the adopting parent,

as if the adopted child had been born to the adopting parent.

How relationships determined

(3) The relationship to one another of all persons, including the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the adoption order was made and the kindred of that former parent shall for all purposes be determined in accordance with subsection (2).

Reference in will or other document

(4) In any will or other document made at any time before or after the day this section comes into force, and whether the maker of the will or document is alive on that day or not, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or include, as the case may be, a person who comes within the description as a result of an adoption, unless the contrary is expressed.

Application of section

(5) This section applies and shall be deemed always to have applied with respect to any adoption made under any Act heretofore in force, but not so as to affect,

(a) any interest in property or right of the adopted child that has indefeasibly vested before the date of the making of an adoption order; and

(b) any interest in property or right that has indefeasibly vested before the day this section or a predecessor of this section comes into force.

Exception

(6) Subsections (2) and (3) do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove a person from a relationship that would have existed but for those subsections.

Effect of foreign adoption

153. An adoption effected according to the law of another jurisdiction, before or after the day this section comes into force, has the same effect in Ontario as an adoption under this Part.

No order for access by birth parent, etc.

154. Where an order for the adoption of a child has been made under this Part no court shall make an order under this Part for access to the child by,

(a) a birth parent; or

(b) a member of a birth parent's family.

RECORDS, CONFIDENTIALITY AND DISCLOSURE

Parent to be informed on request

155. At the request of a person who gave a consent to adoption under clause 131 (2) (a) or whose consent required under that clause was dispensed with under section 132, any society or the licensee that placed the child for adoption shall inform the person whether an order has been made for the child's adoption.

Interpretation

156.—(1) In this section, "court" includes the District Court.

Papers to be sealed up

(2) Subject to subsections (3) and 158 (7), the documents used upon an application for an adoption order under this Part or a predecessor of this Part shall be sealed up together with a certified copy of the original order and filed in the office of the court by the proper officer of the court and shall not be open for inspection except upon an order of the court or the written direction of a Director.

Transmission of order

(3) Within thirty days after the making of an adoption order under this Part, the proper officer of the court shall cause to be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit,

(a) the original order to the adopting parent;

(b) one certified copy to a Director;

(c) one certified copy to the Registrar General, or, where the adopted child was born outside Ontario, two certified copies to the Registrar General; and

(d) where the adopted child is a member of a band, one certified copy to the Registrar under the *Indian Act* (Canada).

R.S.C. 1970, c. I-6

Adoption information confidential

157.—(1) Despite the provision of any other Act, no person shall inspect, remove, alter or permit the inspection, removal or alteration of information that relates to an adoption and is kept,

(a) by the Ministry;

(b) by a society or licensee; or

(c) in the register maintained under section 158,

or disclose or permit the disclosure of such information that the person obtained from the records of the Ministry, the records of a society or licensee, or the register maintained under section 158.

Exceptions

(2) Subsection (1) does not apply to,

(a) the inspection or disclosure of information in accordance with section 158;

(b) the inspection by or disclosure to the Minister, a Director or an employee of the Ministry who has a Director's written authority, of information kept by the Ministry or a society or licensee;

(c) the inspection by or disclosure to an employee of a society or licensee, of information kept by the society or licensee;

(d) the disclosure of information of a prescribed class to a person whose access to the information, in a Director's opinion, is necessary to protect any person's health; or

(e) the release by a Director of a copy of an adoption order to,

(i) the adopting parent, or

(ii) a governmental authority that requires the copy to issue a birth certificate, passport or visa.

VOLUNTARY DISCLOSURE REGISTER

Interpretation

158.—(1) In this section,

(a) "adopted child" means a person who was adopted in Ontario;

(b) "Director" means the person appointed under subsection (2);

(c) "register" means the register maintained under subsection (3).

Director

(2) The Minister may appoint an employee of the Ministry as Director for the purposes of this section.

Voluntary disclosure register

(3) The Director shall maintain a register for the purposes of this section.

Who may apply to be named in register

(4) An adopted child who has attained the age of eighteen years and a birth parent of an adopted child may each apply to a society or to the Director to be named in the register.

Society to notify Director

(5) A society that receives an application under subsection (4) shall forthwith send the application to the Director.

Duty of Director

(6) Upon receiving an application made under subsection (4), the Director shall,

(a) enter the applicant's name in the register; and

(b) determine,

(i) where the applicant is an adopted child, whether a birth parent of the applicant is named in the register, or

(ii) where the applicant is a birth parent of an adopted child, whether the adopted child is named in the register.

Idem

(7) Where the Director,

(a) determines, subject to subsection (10), that an applicant's birth parent or an adopted child whose

birth parent is the applicant, as the case may be, is named in the register; and

(b) obtains, subject to subsections (8), (9) and (10),

(i) the written consent of every person who became the adopted child's parent by an adoption order, and

(ii) written confirmation of the consent of the applicant and the birth parent or adopted child, as the case may be,

to the disclosure of information under this section,

the Director shall obtain from the court copies of the documents referred to in subsection 156 (2) and promptly,

(c) forward the information in those documents and in the register that relates to the adoption to a society that the Director considers appropriate; or

(d) make the information in those documents and in the register that relates to the adoption available, with counselling, to the adopted child and to the birth parent, if living.

Where adopting parent's consent not required

(8) The consent of an adopting parent referred to in subclause (7) (b) (i) is not required where,

(a) the adopting parent is deceased;

R.S.O.1980, c. 264

(b) the adopting parent has been declared a mentally incompetent person under the *Mental Incompetency Act*; or

(c) after the adopted child's adoption by the adopting parent, the child was made a Crown ward under Part III (Child Protection) and the court did not make an order for access by the adopting parent.

Where birth parent mentally incompetent

(9) Where the birth parent has been declared a mentally incompetent person under the *Mental Incompetency Act*, the consent of the birth parent's committee shall be deemed to be the confirmation of the birth parent's consent referred to in subclause (7) (b) (ii).

Disclosure where birth parent or adopted child deceased

(10) Where the Director determines that the applicant's birth parent or the adopted child whose birth parent is the applicant, as the case may be, is deceased, the Director may

release information under clause (7) (c) or (d) although the conditions set out in clause (7) (a) and subclause (7) (b) (ii) are not satisfied.

Duty of society

(11) A society that receives information under subsection (7) shall promptly make it available, with counselling, to the adopted child and to the birth parent, if living.

Idem: society

(12) A society shall provide guidance and counselling to birth parents and adopted children who are named or may wish to be named in the register.

Information in register confidential

(13) A person may,

(a) inspect, remove, alter or permit the inspection, removal or alteration of information kept in the register; or

(b) disclose or permit the disclosure of information that the person obtained from the register otherwise than under clause (7) (d) or subsection (11),

only with the Director's written authority.

Disclosure by adopted child and birth parent

(14) An adopted child and a birth parent who receive information under clause (7) (d) or subsection (11) may disclose it freely.

OFFENCES

No payments for adoption

159. No person, whether before or after a child's birth, shall give, receive or agree to give or receive a payment or reward of any kind in connection with,

(a) the child's adoption or placement for adoption;

(b) a consent under section 131 to the child's adoption; or

(c) negotiations or arrangements with a view to the child's adoption,

except for,

(d) the prescribed expenses of a licensee, or such greater expenses as are approved by a Director;

(e) proper legal fees and disbursements; and

(f) a subsidy paid by an approved agency or by the Minister to an adopting parent or to a person with whom a child is placed for adoption.

Offence

160.—(1) A person who contravenes subsection 135 (1), (2) or (3) (placement for adoption) and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence, whether an order is subsequently made for the child's adoption or not, and on conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than two years, or to both.

Idem

(2) A person who contravenes subsection 135 (4) (receiving child) is guilty of an offence and on conviction is liable to a fine of not more than $2,000 or to imprisonment for a term of not more than two years, or to both.

Idem

(3) A person who contravenes subsection 137 (2) (interference with child) is guilty of an offence and on conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(4) A person who contravenes section 159 and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than $5,000 or to imprisonment for a term of not more than three years, or to both.

Limitation period

(5) A proceeding under subsection (1), (2) or (4) shall not be commenced after the expiration of two years after the date on which the offence was, or is alleged to have been, committed.

INJUNCTION

Injunction

161.—(1) The Supreme Court may grant an injunction to restrain a person from contravening subsection 137 (2), on the society's or licensee's application.

Variation, etc.

(2) The Supreme Court may vary or terminate an order made under subsection (1), on any person's application.

PART VIII

CONFIDENTIALITY OF AND ACCESS TO RECORDS

Interpretation

162. In this Part,

(a) "family", when used in reference to a person, means,

(i) the person's parents and children, and

(ii) the person's spouse within the meaning of Part II of the *Family Law Reform Act*; R.S.O.1980, c. 152

(b) "record", when used in reference to a person, means all recorded information, regardless of physical form or characteristics, that,

(i) relates to the person,

(ii) is recorded in connection with the provision of an approved service, or a service purchased by an approved agency, to the person or a member of the person's family, and

(iii) is under the control of a service provider.

Exception: information in existing records

163.—(1) This Part does not apply to information recorded before the day this Part comes into force.

Exception: certain kinds of records

(2) This Part does not apply to a record,

(a) obtained by means of an order made under subsection 70 (3) of Part III (child abuse investigation);

(b) in the register maintained under subsection 71 (5) of Part III (child abuse register);

(c) that relates to the adoption of a child under Part VII;

(d) in the register maintained under subsection 158 (3) of Part VII (voluntary disclosure register);

(e) that relates to a patient and whose disclosure without the patient's consent would contravene a regulation made under the *Health Disciplines Act*; R.S.O.1980, c. 196

(f) that is a clinical record within the meaning of subsection 29 (1) of the *Mental Health Act*; R.S.O.1980, c. 262

(g) that is a medical record kept by a hospital that is approved under the *Public Hospitals Act*. R.S.O.1980, c. 410

DISCLOSURE OF RECORDS

Prohibition

164.—(1) No service provider or employee of a service provider shall disclose a person's record to any person, except in accordance with section 165 (disclosure with consent), 166 (disclosure without consent) or 167 (access by subject and parents) or subsection 171 (4) (review by Board).

Exception

(2) Subsection (1) does not prevent the disclosure of a person's record that is,

(a) required or permitted by,

(i) another Act or a regulation made under another Act, or

(ii) an order of a court; or

(b) permitted by the *Young Offenders Act* (Canada). S.C. 1980-81-82-83, c. 110

Consent to disclosure: child under sixteen

165.—(1) A service provider may disclose the record of a child under the age of sixteen years, with the written consent of the child's parent or, where the child is in a society's lawful custody, the society's written consent.

Exception: child's counselling records

(2) Subsection (1) does not apply to a record created in connection with the provision of counselling services to a child under section 28 of Part II (Voluntary Access to Services), which may be disclosed only with the child's written consent.

Consent to disclosure: person over sixteen

(3) A service provider may disclose the record of a person who is sixteen years of age or older with that person's written consent.

Requirements for consent

(4) A consent given under subsection (1), (2) or (3) to the disclosure of a person's record shall specify,

(a) what information is to be disclosed;

(b) the purpose of the disclosure;

(c) to whom the record is to be disclosed;

(d) whether the consent authorizes the further disclosure of the record by the person referred to in clause (c), and, if so, to whom and for what purposes; and

(e) the period of time during which the consent remains effective, unless revoked.

When revocation of consent effective

(5) The revocation of a consent given under subsection (1), (2) or (3) is effective when it is delivered to the service provider in writing or the service provider otherwise obtains actual notice of it.

Disclosure without consent

166.—(1) A service provider may disclose a person's record without any consent referred to in section 165,

(a) to persons who provide approved services as employees or agents of the service provider;

(b) to a foster parent, if the person is a child who is in the foster parent's care;

(c) to employees, officers and professional advisors of the service provider who require access to the person's record for the performance of their duties;

(d) to a society, if the person is a child who is in the society's care under,

(i) an order made under Part III (Child Protection), or

(ii) a temporary care agreement or special needs agreement made under Part II (Voluntary Access to Services), unless the agreement provides otherwise;

(e) to a peace officer, if the service provider believes on reasonable grounds that,

(i) failure to disclose the person's record is likely to cause the person or another person physical or emotional harm, and

(ii) the need for disclosure is urgent;

(f) to a person who is providing medical treatment to the person whose record is concerned, if the service provider believes on reasonable grounds that,

(i) failure to disclose the record is likely to cause the person whose record is concerned physical or emotional harm, and

(ii) the need for disclosure is urgent; or

(g) to a review team for the purposes of section 69 of Part III (Child Protection).

Idem: research

(2) A service provider may, with a Director's written approval obtained in accordance with the regulations, disclose a person's record to a person engaged in research, but that person shall not,

(a) use or communicate information from the record for any purpose except research, academic pursuits or the compilation of statistical data; or

(b) communicate any information that may have the effect of identifying a person whose record is disclosed.

Mandatory disclosure

(3) A service provider shall disclose a person's record without any consent referred to in section 165,

(a) to a program supervisor; or

(b) to a Director,

who requests its disclosure.

Prohibition

(4) A program supervisor or Director shall not use or communicate information from a person's record obtained under subsection (3) for any purpose outside the scope of his or her duties.

Notice of disclosure without consent

(5) A service provider who discloses a person's record under clause (1) (e) or (f) shall promptly give written notice of the disclosure to the person whose record was disclosed.

ACCESS TO RECORDS

Right of access to personal records

167.—(1) Subject to subsection (2) and section 168, a person who is twelve years of age or older has a right to and shall on request be given access to,

(a) his or her own records;

(b) the records of his or her child who is under the age of sixteen years; and

(c) the records of a child who is in his or her lawful custody or charge and is under the age of sixteen years.

Exception: child's counselling records

(2) Clauses (1) (b) and (c) do not apply to a record created in connection with the provision of counselling services to a child under section 28 of Part II (Voluntary Access to Services), which may be disclosed to the child's parent only with the child's written consent.

Restriction by parent, etc.

(3) Any parent of a child, if the child is under the age of sixteen years, may designate specific information that is contained in the child's record and relates to the parent as information that shall not be disclosed to the child, and the service provider shall not disclose the designated information to the child.

Child's access to own records

(4) The consent of a child's parent is not required for the child's access to a record under subsection (1).

Where access may be refused

168.—(1) A service provider may refuse to give a person referred to in subsection 167 (1) access to all or part of his or her record where the person is a child under the age of sixteen years and the service provider is of the opinion that access to all or part of the record would cause the child physical or emotional harm.

Information that may be withheld

(2) A service provider may withhold from a person referred to in subsection 167 (1) the name of another person and other information relating to that other person where the service provider is of the opinion that disclosure is likely to result in physical or emotional harm to that other person.

Idem: informants

(3) A service provider may withhold from a person referred to in subsection 167 (1) the name of an individual who has provided information in the person's record but is not engaged in providing services.

Idem: assessments

(4) A service provider may withhold from a person referred to in subsection 167 (1) the contents of a medical, emotional, developmental, psychological, educational or social assessment performed by a person who is not employed by the service provider, but may not withhold that person's name.

Duty of service provider

169.—(1) Where a person referred to in subsection 167 (1) requests access to a record, the service provider shall, within thirty days of receiving the request,

(a) give the person access to the record;

(b) notify the person that the service provider refuses to give him or her access to part of the record, stating the reasons for the refusal, and give the person access to the rest of the record;

(c) notify the person that the service provider refuses to give him or her access to the record, stating the reasons for the refusal; or

(d) notify the person that this Part does not apply to the record or that the record does not exist, if that is the case.

Notice of right of review

(2) A notice of a refusal of access under clause (1) (b) or (c) shall contain a statement of the person's right to request a review of the matter under subsection 171 (1).

Right to have record corrected

170.—(1) A person who has a right to access to a record under subsection 167 (1) also has a right to have errors or omissions in the record corrected.

Duty of service provider

(2) Where a person referred to in subsection (1) requests that a service provider correct an error or omission in a record, the service provider shall, within thirty days of receiving the request,

(a) make the correction as requested, and give notice of the correction to every person to whom the service provider has disclosed the record;

(b) notify the person that the service provider refuses to make the correction as requested, stating the reasons for the refusal, and note the request and response on the record; or

(c) notify the person that this Part does not apply to the record or that the record does not exist, if that is the case.

Notice of right of review

(3) A notice of a refusal to make a correction under clause (2) (b) shall contain a statement of the person's right to request a review of the matter under subsection 171 (1).

REVIEW

Right to review: refusal of access or correction

171.—(1) A person referred to in subsection 167 (1) or 170 (1) whose request for access to or correction of a record is refused in whole or in part may, within twenty days of receiving notice of the refusal, request that the Board review the matter.

Idem: unauthorized disclosure

(2) A person who believes that a service provider may have disclosed his or her record without authority may, within twenty days of becoming aware of the possible unauthorized disclosure, request that the Board review the matter.

Duty of Board

(3) Where the Board receives notice of a request for review under subsection (1) or (2), it shall review the matter, following the prescribed procedures, and may do so by holding a hearing.

Board may examine record

(4) In conducting a review requested under subsection (1) or (2), the Board may examine the record in question.

Decision of Board

(5) On completing a review requested under subsection (1), the Board may,

(a) order the service provider to give the person access to all or part of the record;

(b) order the service provider to make a correction to the record and give the notice referred to in clause 170 (2) (a); or

(c) if it is satisfied that the refusal appealed from is justified, confirm the refusal,

and shall provide a copy of its decision to the person who requested the review, the service provider and the Minister.

Idem

(6) On completing a review requested under subsection (2), the Board,

(a) shall, unless it is satisfied that no disclosure or no unauthorized disclosure of the person's record took place, declare that the disclosure was unauthorized;

(b) may order the service provider to change its procedures for the maintenance and disclosure of persons' records, or to desist from a particular disclosure practice; and

(c) where it is satisfied that an unauthorized disclosure took place, may recommend to the Minister that the service provider's approval under Part I (Flexible Services), if any, be revoked or, where the service provider is a licensee, that the licence be revoked under Part IX (Licensing),

and shall provide a copy of its decision to the person who requested the review, the service provider and the Minister.

GENERAL

Access, etc., to be noted on record

172.—(1) Every disclosure of all or part of a person's record and every correction to a person's record shall be noted on and forms part of the record.

Exception

(2) Subsection (1) does not apply to routine use of a person's record by a service provider and the service provider's employees or, where the service provider is the Minister, the Minister's employees engaged in providing services.

Protection from liability for disclosure

173. Where a service provider discloses a person's record in accordance with this Part, no action or other proceeding shall be instituted against the service provider or anyone acting under the service provider's authority,

(a) if this Part requires the disclosure; or

(b) if this Part permits the disclosure and the service provider has reasonable grounds to believe the information contained in the record to be accurate.

Code of record-keeping procedures

174.—(1) Every service provider shall establish and follow a written code of procedure for the creation, maintenance and disclosure of persons' records.

Idem

(2) A code of procedure referred to in subsection (1) shall contain,

(a) a description of the types of information that may be recorded and the purposes for which information may be recorded;

(b) a requirement that information, wherever possible, be collected from or confirmed by the person to whom it relates;

(c) a requirement that no more information be recorded than is actually necessary for the provision of the service in question; and

(d) the prescribed provisions.

Retention, storage and destruction schedules

(3) Every service provider shall retain, store and destroy persons' records in accordance with the prescribed schedules.

PART IX

LICENSING

175. In this Part, Interpretation

(a) "children's residence" means,

(i) a parent model residence where five or more children not of common parentage, or

(ii) a staff model residence where three or more children not of common parentage,

live and receive residential care, and includes a foster home or other home or institution that is supervised or operated by a society, but does not include,

(iii) a house licensed under the *Private Hospitals Act*, R.S.O. 1980, c. 389

(iv) a day nursery as defined in the *Day Nurseries Act*, R.S.O. 1980, c. 111

(v) a recreational camp under the *Health Protection and Promotion Act, 1983*, 1983, c. 10

(vi) a home for special care under the *Homes for Special Care Act*, R.S.O. 1980, c. 202

(vii) a school or private school as defined in the *Education Act*, R.S.O. 1980, c. 129

(viii) a hostel intended for short term accommodation,

(ix) a hospital that receives financial aid from the Government of Ontario, or

(x) a group home or similar facility that receives financial assistance from the Minister of Correctional Services but receives no financial assistance from the Minister under this Act;

(b) "non-profit agency" means a corporation without share capital that has objects of a charitable nature and,

(i) to which Part III of the *Corporations Act* applies, or R.S.O. 1980, c. 95

(ii) that is incorporated by or under a general or special Act of the Parliament of Canada;

(c) "parent model residence" means a building, group of buildings or part of a building where not more than two adult persons live and provide care for children on a continuous basis;

(d) "staff model residence" means a building, group of buildings or part of a building where adult persons are employed to provide care for children on the basis of scheduled periods of duty.

WHERE LICENCE REQUIRED

Licence required to operate children's residence, etc.

176.—(1) No person shall,

(a) establish, operate or maintain a children's residence; or

(b) provide, directly or indirectly, residential care for three or more children not of common parentage in places that are not children's residences,

except under the authority of a licence issued by a Director under this Part.

Idem: placement for adoption

(2) No person other than a society shall place a child for adoption, except under the authority of a licence issued by a Director under this Part.

Issuing licence

(3) Subject to section 178, a person who applies for a licence in accordance with this Part and the regulations and pays the prescribed fee is entitled to be issued a licence by a Director, subject to any terms and conditions imposed by the Director.

Idem

(4) Despite subsection (3),

(a) a licence shall not be issued to a partnership or association of persons; and

(b) a licence to place a child for adoption shall only be issued to an individual or a non-profit agency.

Renewal of licence

(5) Subject to section 179, a licensee who applies for renewal of the licence in accordance with this Part and the regulations and pays the prescribed fee is entitled to have the licence renewed by a Director, subject to any terms and conditions imposed by the Director.

Provisional licence or renewal

(6) Where an applicant for a licence or renewal of a licence does not meet all the requirements for the issuing or renewal of the licence and requires time to meet them, a Director may, subject to such terms and conditions as the Director may prescribe, issue a provisional licence for the period that the Director considers necessary to give the applicant time to meet the requirements.

Not transferable

(7) A licence is not transferable.

Placements must be in accord with Act and regulations

(8) No licensee shall place a child in a residential placement except in accordance with this Act and the regulations.

POWERS OF PROGRAM SUPERVISOR

Powers of program supervisor

177.—(1) For the purpose of ensuring compliance with this Act and the regulations a program supervisor may, at all reasonable times, upon producing proper identification, enter,

(a) the premises of a licensee;

(b) a children's residence; or

(c) a place where a child receives residential care,

and may inspect the facilities, the services provided, the books of account and the records relating to the services, and make copies of those books and records or remove them from the premises to copy them as may be reasonably required.

Offence

(2) No person shall hinder, obstruct or attempt to hinder or obstruct a program supervisor in the performance of the program supervisor's duties or knowingly give false information about the premises or services to a program supervisor.

Idem

(3) No licensee or person in charge of premises referred to in clause (1) (a), (b) or (c) shall refuse to give a program supervisor access to the books and records referred to in subsection (1) or refuse to give a program supervisor information about the premises or services that the program supervisor reasonably requires.

Regulations re exercise of power of entry

(4) A program supervisor shall exercise the power of entry set out in subsection (1) in accordance with the regulations.

REFUSAL AND REVOCATION

Grounds for refusal

178. A Director may refuse to issue a licence where, in the Director's opinion,

(a) the applicant or an employee of the applicant, or, where the applicant is a corporation, an officer or director of the corporation is not competent to carry on the activity for which the licence is required in a responsible manner in accordance with this Act and the regulations;

(b) the past conduct of the applicant or an employee of the applicant or, where the applicant is a corporation, of an officer or director of the corporation, affords reasonable grounds for belief that the activity for which the licence is required will not be carried on in a responsible manner in accordance with this Act and the regulations; or

(c) the premises in which the applicant proposes to establish, operate and maintain a children's residence or to provide residential care, as the case may be, do not comply with the requirements of this Part and the regulations.

Refusal to renew; revocation

179. A Director may refuse to renew or may revoke a licence where, in the Director's opinion,

(a) the licensee or an employee of the licensee, or where the licensee is a corporation, an officer or director of the corporation has contravened or has knowingly permitted a person under his or her control or direction or associated with him or her to contravene,

(i) this Act or the regulations,

(ii) another Act, or the regulations made under another Act, that applies to the activity for which the licence is required, or

(iii) a term or condition of the licence;

(b) the premises where the children's residence is located or the residential care is provided do not comply with the requirements of this Part and the regulations;

(c) the activity for which the licence is required is carried on in a manner that is prejudicial to the children's health, safety or welfare;

(d) a person has made a false statement in the application for the licence or for its renewal, or in a

report or document required to be furnished by this Act or the regulations, or by another Act or the regulations made under another Act that applies to the activity for which the licence is required; or

(e) a change has occurred in the employees, officers or directors of the applicant that would, if the applicant were applying for the licence in the first instance, afford grounds under clause 178 (b) for refusing to issue the licence.

HEARING BY BOARD

Notice of proposal

180.—(1) Where a Director proposes to refuse to issue a licence under section 178 or to refuse to renew or to revoke a licence under section 179, the Director shall cause notice of the proposal, together with written reasons, to be served on the applicant or licensee.

Request for hearing

(2) A notice under subsection (1) shall inform the applicant or licensee that he or she is entitled to a hearing by the Board if he or she mails or delivers to the Director and to the Board, within ten days after the notice under subsection (1) is served, a written request for a hearing.

Powers of Director where no hearing required

(3) Where an applicant or licensee does not require a hearing under subsection (2), the Director may carry out the proposal.

Powers of Board where hearing required

(4) Where an applicant or licensee requires a hearing under subsection (2), the Board shall appoint a time for and hold a hearing and may, on hearing the matter,

(a) order the Director to carry out the proposal; or

(b) order the Director to take such other action as the Board considers appropriate, in accordance with this Part and the regulations,

and the Board may substitute its opinion for that of the Director.

Review of terms of licence by Board

181.—(1) A licensee who is dissatisfied with the terms and conditions prescribed by a Director under subsection 176 (3), (5) or (6) is entitled to a hearing by the Board if he or she mails or delivers to the Director and to the Board, within fifteen days after receiving the licence, a written request for a hearing.

Powers of Board

(2) Where a licensee requires a hearing under subsection (1), the Board shall appoint a time for and hold a hearing and may, on hearing the matter,

(a) confirm any or all of the terms and conditions;

(b) strike out any or all of the terms and conditions; or

(c) impose such other terms and conditions as the Board considers appropriate.

Receipt of licence

(3) For the purposes of subsection (1), a licensee shall be deemed to receive the licence on the tenth day after the day of its mailing, unless the licensee establishes that he or she did not receive it or did not, through absence, accident, illness or another cause beyond his or her control, acting in good faith, receive the licence until a later date.

Extension of time for requiring hearing

182.—(1) The Board may extend the time fixed for requiring a hearing under subsection 180 (2) or 181 (1), either before or after its expiration, where,

(a) it appears to the Board that there are reasonable grounds for granting relief to the applicant or licensee; and

(b) the Board is satisfied that the applicant or licensee has reasonable grounds to seek an extension,

and the Board may give such directions as it considers proper in connection with the extension.

Continuation of licence pending renewal

(2) Subject to section 183, where a licensee has applied for renewal of the licence and paid the prescribed fee within the prescribed time or, if no time is prescribed, before the licence expires, the licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where the licensee is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision.

Provisional suspension of licence

183.—(1) A Director may, by causing notice to be served on a licensee, provisionally and without a hearing suspend the licence where, in the Director's opinion, the manner in which the children's residence is operated, residential care is provided or children are placed for adoption, as the case may be,

is an immediate threat to the health, safety or welfare of the children.

Contents of notice

(2) A notice served under subsection (1) shall contain a statement of the grounds for suspending the licence.

When suspension takes effect

(3) A provisional suspension takes effect on the date that the licensee receives the notice.

s. 180 (2-4) apply

(4) Where a notice is served under subsection (1), subsections 180 (2), (3) and (4) apply with necessary modifications.

Parties

184.—(1) The Director, the applicant or licensee who requires the hearing and any other persons that the Board specifies are parties to a proceeding under this Part.

Members with prior involvement

(2) A member of the Board who has taken part before a hearing in any investigation or consideration of its subject matter, including a review under section 171 of Part VIII (Confidentiality of and Access to Records) that relates to the applicant or licensee, shall not take part in the hearing.

Discussion of subject matter of hearing

(3) A member of the Board who takes part in a hearing shall not communicate with any person, except another member, a solicitor who is not the solicitor of any party, or an employee of the Board, about the subject matter of the hearing, unless all parties are notified and given an opportunity to participate.

When Board seeks independent legal advice

(4) The Board may seek independent legal advice about the subject matter of a hearing and, if it does so, shall disclose the nature of the advice to the parties to enable them to respond.

Examination of documentary evidence

(5) A party to a proceeding under this Part shall be given an opportunity, before the hearing, to examine any written or documentary evidence that will be produced and any report whose contents will be given in evidence at the hearing.

Recording of evidence

(6) The evidence taken before the Board at a hearing shall be recorded.

Only members at hearing to participate in decision, etc.

(7) No member of the Board shall participate in a decision of the Board under this Part unless he or she was present throughout the hearing and heard the evidence and argument of the parties and, unless the parties consent, the Board shall not make a decision under this Part unless all the members who were present at the hearing participate in the decision.

Final decision of Board within ninety days

R.S.O. 1980, c. 484

(8) Despite section 21 of the *Statutory Powers Procedure Act*, the Board shall make a final decision and notify the

parties of it within ninety days from the day the Board receives the applicant's or licensee's request for a hearing under subsection 180 (2) or 181 (1).

APPEAL

Appeal

185.—(1) An appeal lies to the Divisional Court from the Board's decision under this Part.

Record to be filed in Supreme Court

(2) Where notice of an appeal is served under this section, the Board shall forthwith file with the Registrar of the Supreme Court the record of the proceeding in which the decision appealed from was made.

Minister entitled to be heard

(3) The Minister is entitled to be heard, by counsel or otherwise, on the argument of an appeal under this section.

DELIVERY OF LICENCE AND RECORDS

Records and licence to be handed over to Minister

186.—(1) A licensee whose licence is revoked or who ceases to carry on the activity for which the licence is required shall deliver up to the Minister the licence and all the records in the licensee's possession or control that relate to the children to whom services were being provided.

Removal of children

(2) Where a licence to operate a children's residence or to provide residential care is suspended or revoked, the parent of every child in the children's residence or other place where residential care is provided shall arrange for the child's removal from the residence or other place as soon as is practicable, having regard to the child's best interests, and the Minister may assist in finding an alternative placement for the child.

OCCUPATION BY MINISTER

Order for Minister's occupation

187.—(1) The Minister may, where a Director's proposal to revoke or not to renew a licence under subsection 180 (1) or notice of provisional suspension under subsection 181 (1) has been served on a licensee who operates a children's residence or provides residential care and the matter has not yet been finally disposed of, apply without notice to the District Court for an order,

(a) authorizing the Minister to occupy and operate the children's residence or the premises where the residential care is provided, pending the outcome of the proceeding until alternative accommodation may be found for the children who are being cared for; and

(b) directing the sheriff to assist the Minister as may be necessary in occupying the premises.

Where District Court may make order

(2) The District Court may make an order referred to subsection (1) where it is satisfied that the health, safety or welfare of the children being cared for require it.

Interim management R.S.O. 1980, c. 148

(3) Where an order has been made under subsection (2), the Minister may, despite sections 25 and 41 of the *Expropriations Act*, immediately occupy and operate or arrange for the occupation and operation of the premises for a period not exceeding six months.

INJUNCTIONS

Injunction

188.—(1) A Director may apply to the Supreme Court for an order enjoining any person from,

(a) contravening subsection 176 (1) (licence requirement); or

(b) carrying on an activity for which a licence is required while the licence is provisionally suspended under section 183.

Idem

(2) Any person may apply to the Supreme Court for an order varying or discharging an order made under subsection (1).

OFFENCES

Offence

189.—(1) Every person who,

(a) contravenes subsection 176 (1);

(b) contravenes a term or condition of a licence relating to the maximum number of children to be cared for in a children's residence or other place where residential care is provided under the authority of a licence;

(c) causes a child to be cared for in a children's residence operated by a person who is not licensed under this Part, or in another place where residential care is provided by a person who is required to be but is not licensed to provide residential care under this Part; or

(d) is a child's parent or a person under a legal duty to provide for the child and permits the child to be

cared for in a children's residence or other place referred to in clause (c),

and every director, officer or employee of a corporation who authorizes, permits or concurs in such an act by the corporation is guilty of an offence and on conviction is liable to a fine of not more than $1,000 for each day on which the offence continues or to imprisonment for a term of not more than one year, or to both.

Idem

(2) Every person who,

(a) knowingly contravenes subsection 177 (2) or (3) (obstructing program supervisor, etc.);

(b) knowingly furnishes false information in an application under this Part or in a statement, report or return required to be furnished under this Part or the regulations; or

(c) fails to comply with an order or direction made by a court under this Part,

and every director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention, furnishing or failure by the corporation is guilty of an offence and on conviction is liable to a fine of not more than $2,000.

CHILDREN'S SERVICES REVIEW BOARD

Children's Services Review Board

190.—(1) The Children's Services Review Board is continued, composed of the prescribed number of members appointed by the Lieutenant Governor in Council, and has the powers and duties given to it by this Act and the regulations made under this Part.

Chairman and vice-chairmen

(2) The Lieutenant Governor in Council may appoint a member of the Board as chairman and may appoint one or more other members as vice-chairmen.

Term

(3) A member of the Board shall hold office for the prescribed term.

Quorum

(4) The prescribed number of members of the Board are a quorum.

Remuneration

(5) The chairman and vice-chairmen and the other members of the Board shall be paid the *per diem* allowances determined by the Lieutenant Governor in Council and are entitled to their reasonable and necessary travelling and living expen-

ses while attending meetings or otherwise engaged in the work of the Board.

PART X

INDIAN AND NATIVE CHILD AND FAMILY SERVICES

Interpretation

191. In this Part, "customary care" means the care and supervision of an Indian or native child by a person who is not the child's parent, according to the custom of the child's band or native community.

Designation of native communities

192. The Minister may designate a community, with the consent of its representatives, as a native community for the purposes of this Act.

Agreements with bands and native communities

193. The Minister may make agreements with bands and native communities, and any other parties whom the bands or native communities choose to involve, for the provision of services.

Designation of child and family service authority

194.—(1) A band or native community may designate a body as an Indian or native child and family service authority.

Agreements, etc.

(2) Where a band or native community has designated an Indian or native child and family service authority, the Minister,

(a) shall, at the band's or native community's request, enter into negotiations for the provision of services by the child and family service authority;

(b) may enter into agreements with the child and family service authority and, if the band or native community agrees, any other person, for the provision of services; and

(c) may designate the child and family service authority, with its consent and if it is an approved agency, as a society under subsection 15 (2) of Part I (Flexible Services).

Subsidy for customary care

195. Where a band or native community declares that an Indian or native child is being cared for under customary care, a society or agency may grant a subsidy to the person caring for the child.

Consultation with bands and native communities

196. A society or agency that provides services or exercises powers under this Act with respect to Indian or native children shall regularly consult with their bands or native communities about the provision of the services or the exercise of

the powers and about matters affecting the children, including,

(a) the apprehension of children and the placement of children in residential care;

(b) the placement of homemakers and the provision of other family support services;

(c) the preparation of plans for the care of children;

(d) status reviews under Part III (Child Protection);

(e) temporary care and special needs agreements under Part II (Voluntary Access to Services);

(f) adoption placements;

(g) the establishment of emergency houses; and

(h) any other matter that is prescribed.

PART XI

REGULATIONS

Regulations: Part I (Flexible Services)

197.—(1) The Lieutenant Governor in Council may make regulations for the purposes of Part I,

1. prescribing additional powers and duties of Directors and program supervisors;

2. prescribing reports to be made and information to be furnished under subsection 5 (5), their form and the intervals at which they are to be made or furnished;

3. governing the exercise of the power of entry set out in subsection 6 (1);

4. governing the management and operation of approved agencies or any class of them;

5. governing the provision of approved services or any class of them;

6. exempting designated approved agencies or approved services or any class of them from any provision of this Act or the regulations for a specified period or periods;

7. governing the accommodation, facilities and equipment to be provided,

   i. in buildings in which approved services are provided, and

   ii. in the course of the provision of approved services;

8. further defining "service", "child development service", "child treatment service", "child welfare service", "community support service" and "young offenders service";

9. defining "prevention service";

10. governing the establishment, management, operation, location, construction, alteration and renovation of buildings, or any class of them, in which approved services are provided;

11. prescribing procedures and conditions of eligibility for the admission of children and other persons to and their discharge from places where approved services are provided;

12. prescribing the qualifications, powers and duties of persons employed in providing approved services or any class of approved services;

13. governing the residential placement of children and prescribing procedures for placements, discharge, assessments and case management;

14. requiring and prescribing medical and other related or ancillary services for the care and treatment of children and other persons in places where services or any class of them are provided;

15. governing applications by agencies for approval under subsections 8 (1) and 9 (1) and establishing criteria for approval;

16. governing applications by approved agencies for payments under this Part, prescribing the method, time, manner, terms and conditions of payments and providing for the suspension and withholding of payments and for the making of deductions from payments;

17. prescribing the manner of computing the amount of financial assistance for the purposes of sections 8 and 9, prescribing classes of payments for the purposes of those sections and determining the amounts of payments;

18. governing the transfer and assignment of the assets of approved agencies acquired with financial assistance from the Province of Ontario, or of any class of such assets, for the purposes of subsection 10 (3), and prescribing classes of such assets;

19. requiring approved agencies to provide the prescribed information to the prescribed persons, and prescribing the information and the persons;

20. prescribing the accounts and records to be kept by approved agencies, the claims, returns and reports to be made and budgets to be submitted to the Minister and the methods, time and manner in which they shall be made or submitted;

21. requiring service providers, or any class of service providers, to keep records, and prescribing the form and content of those records;

22. providing for the recovery, by an approved agency or by the Minister, from the person or persons in whose charge a child is or has been or from the estate of that person or persons of amounts paid by the agency for the child's care and maintenance, and prescribing the circumstances and the manner in which such a recovery may be made;

23. providing for the recovery of payments made to approved agencies under this Part and the regulations;

24. prescribing provisions to be included in the by-laws of approved agencies, or any class of them, for the purpose of subsection 13 (2);

25. prescribing the number of band or native community representatives on the boards of directors of agencies or any class of them, the manner of their appointment and their terms, for the purpose of subsection 13 (3);

26. prescribing forms and providing for their use;

27. prescribing fees or classes of fees that may be charged for services and the terms and conditions under which a fee may be charged;

28. prescribing the number of municipal representatives on the boards of directors of societies or any class of them, the manner of their appointment and their terms, for the purpose of section 18;

29. providing for an executive committee of the board of directors of a society, its composition, quorum, powers and duties;

30. prescribing a system for determining,

    i. the amounts of payments under subsections 19 (2) and (3) (payments by Minister and municipalities),

    ii. a society's estimated expenditures, and

iii. the part of a society's estimated expenditures that is referable to a municipality;

31. providing for payments by the Minister to reimburse a municipality for all or any part of an increase in its financial obligations to a society under this Part and prescribing classes of such payments and the terms and conditions under which such a payment or class of payments may be made;

32. governing the construction, alteration, renovation, extension, furnishing and equipping of homes operated or supervised by societies, other than children's residences as defined in Part IX (Licensing), where residential care is provided to children.

Idem (2) A regulation made under paragraph 18, 24, 25 or 28 of subsection (1) (transfer of assets, prescribed provisions in agency by-laws, band or native community representatives, municipal representatives) may be general or specific in its application.

Idem (3) A regulation made under paragraph 17, 30 or 31 of subsection (1) (financial assistance for the purposes of sections 8 and 9, amounts of payments to societies, payments by Minister to municipalities) is, if it so provides, effective with reference to a period before it is filed.

Idem (4) The Minister shall prescribe,

(a) standards of services; and

(b) procedures and practices to be followed by societies,

for the purposes of subsection 15 (4).

Regulations: Part II (Voluntary Access to Services)

198. The Lieutenant Governor in Council may make regulations for the purposes of Part II,

(a) defining "counselling";

(b) prescribing provisions to be contained in agreements made under section 29 (temporary care agreements) and sections 30 and 31 (special needs agreements);

(c) requiring that residential placements with or by service providers be made in accordance with written

agreements, and prescribing their form and contents;

(d) prescribing practices, procedures and further duties for advisory committees;

(e) further defining "special need" and "developmental handicap".

Regulations: Part III (Child Protection)

199. The Lieutenant Governor in Council may make regulations for the purposes of Part III,

(a) governing the exercise of the powers of entry set out in subsections 40 (5) and (14);

(b) assigning to a Director any powers, duties or obligations of the Crown with respect to Crown wards;

(c) prescribing the care and maintenance that may be provided to a former Crown ward under subsection 67 (2), and the terms and conditions on which the care and maintenance may be provided;

(d) prescribing the form in which reports are to be made under subsection 71 (3);

(e) respecting the manner in which the register referred to in subsection 71 (5) is to be kept;

(f) requiring the removal of a name from the register referred to in subsection 71 (5), or the amendment of the register, under specified circumstances, and specifying those circumstances;

(g) prescribing practices and procedures for hearings held under clause 72 (4) (b) (amendment of register).

Regulations: Part IV (Young Offenders)

200.—(1) The Lieutenant Governor in Council may make regulations for the purposes of Part IV,

(a) governing the establishment, operation, maintenance, management and use of places of temporary detention, open custody and secure custody and other services and programs provided under subsection 85 (1);

(b) governing the establishment and operation of and the accommodation, equipment and services to be provided in any premises or class of premises estab-

lished, operated, maintained or designated for the purposes of the federal Act or for providing services or programs under subsection 85 (1);

(c) prescribing additional duties and functions of,

(i) probation officers, and

(ii) provincial directors;

(d) prescribing the duties and functions of bailiffs;

(e) prescribing the qualifications of probation officers;

(f) prescribing additional duties and functions of persons in charge of places of temporary detention, open custody and secure custody;

(g) prescribing reports to be made and information to be furnished under section 88, their form and the intervals at which they are to be made or furnished;

(h) governing the conduct, discipline, rights and privileges of young persons in places of temporary detention, open custody or secure custody or any class of them or in a service or program provided under subsection 85 (1);

(i) prescribing procedures for the admission of young persons to and their discharge from places of temporary detention, open custody or secure custody or any class of them or premises in which a service or program is provided under subsection 85 (1);

(j) prescribing classes of payment by way of provincial aid for the establishment, operation or maintenance of places of temporary detention, open custody or secure custody, the methods of determining the payments, the manner and time of making them, the terms and conditions of such payments and the circumstances under which such payments may be suspended or withheld or deductions may be made from them;

(k) prescribing the number of members of the Board, their terms of office and the number of members that is a quorum;

(l) prescribing additional powers, duties and procedures of the Board;

(m) governing the exercise of the power of entry given by a warrant issued under subsection 94 (4);

(n) respecting any matter considered necessary or advisable to carry out effectively the intent and purpose of Part IV.

Idem

(2) A regulation made under clause (1) (j) (classes of payment by way of provincial aid) is, if it so provides, effective with reference to a period before it is filed.

Regulations: Part V (Rights of Children)

201. The Lieutenant Governor in Council may make regulations for the purposes of Part V,

(a) governing internal complaints procedures to be established under section 105;

(b) establishing procedures for reviews under section 106;

(c) prescribing additional functions of the Office of Child and Family Service Advocacy.

Regulations: Part VI (Extraordinary Measures)

202. The Lieutenant Governor in Council may make regulations for the purposes of Part VI,

(a) prescribing procedures for the admission of children to and their discharge from secure treatment programs;

(b) prescribing standards for secure treatment programs;

(c) prescribing standards for secure isolation rooms;

(d) prescribing procedures to be followed when a child is placed in or released from a secure isolation room;

(e) prescribing the frequency of reviews under subsection 121 (6);

(f) prescribing matters to be reviewed and prescribing additional reports under section 122;

(g) prescribing procedures as intrusive procedures;

(h) prescribing the intervals at which reports are to be made by review teams under subsection 123 (5);

(i) prescribing drugs or combinations of drugs as psychotropic drugs;

(j) prescribing forms and requiring their use.

Regulations: Part VII (Adoption)

203. The Lieutenant Governor in Council may make regulations for the purposes of Part VII,

(a) prescribing the form of an affidavit of execution for the purposes of subsection 131 (12);

(b) prescribing the manner in which placements are to be registered under subsection 135 (6);

(c) prescribing special circumstances for the purposes of subsection 136 (4) (placement outside Canada);

(d) prescribing forms and providing for their use;

(e) prescribing classes of information for the purposes of clause 157 (2) (d) (disclosure by Director);

(f) prescribing expenses that may be charged under clause 159 (d), classes of such expenses and the terms and conditions under which such expenses or classes of expenses may be charged.

Regulations: Part VIII (Confidentiality of and Access to Records)

204. The Lieutenant Governor in Council may make regulations for the purposes of Part VIII,

(a) prescribing the manner in which a Director's approval is to be obtained under subsection 166 (2) (disclosure for research);

(b) prescribing review procedures for the Board under subsection 171 (3);

(c) prescribing provisions for the purposes of subsection 174 (2) (service providers' codes of procedure);

(d) prescribing retention, storage and destruction schedules for the purposes of subsection 174 (3).

Regulations: Part IX (Licensing)

205. The Lieutenant Governor in Council may make regulations for the purposes of Part IX,

(a) governing the establishment, management, operation and use of children's residences, and other

premises where residential care is provided under the authority of a licence;

(b) defining "common parentage" for the purposes of clause 175 (a) and clause 176 (1) (b);

(c) governing the issuing, renewal and expiry of licences and prescribing fees payable by an applicant for a licence or its renewal;

(d) governing the exercise of the power of entry set out in subsection 177 (1);

(e) governing the establishment of and the accommodation, facilities, equipment and services to be provided in,

(i) children's residences, and

(ii) other premises where residential care is provided under the authority of a licence,

or any class of them;

(f) exempting designated,

(i) children's residences,

(ii) other premises where residential care is provided under the authority of a licence, or

(iii) persons placing children for adoption,

or any class of them, from any provision of this Part or the regulations for a prescribed period, and prescribing the period;

(g) prescribing the accounts and records to be kept by licensees;

(h) prescribing the qualifications, powers and duties of persons supervising children in,

(i) children's residences, or

(ii) other premises where residential care is provided under the authority of a licence,

or any class of them;

(i) governing procedures for the admission to and discharge of children from,

(i) children's residences, or

(ii) other premises where residential care is provided under the authority of a licence,

or any class of them;

(j) requiring the operators of children's residences or persons who provide residential care or place children for adoption under the authority of a licence to provide the prescribed information and to make the prescribed returns and reports, and prescribing the information, returns and reports;

(k) prescribing the number of members of the Board, their terms of office and the number of members that is a quorum;

(l) prescribing additional powers, duties and procedures of the Board;

(m) governing the placement of children for adoption;

(n) prescribing rules and standards governing the placement of children by licensees for adoption;

(o) providing for the inspection of the records of persons licensed to place children for adoption;

(p) governing the qualifications of persons or classes of persons employed by persons licensed to place children for adoption;

(q) requiring persons licensed to place children for adoption to be bonded or to submit letters of credit in the prescribed form and terms and with the prescribed collateral security, prescribing the form, terms and collateral security and providing for the forfeiture of bonds and letters of credit and the disposition of the proceeds;

(r) prescribing forms and providing for their use.

Regulations: Part X (Indian and Native Child and Family Services)

206. The Lieutenant Governor in Council may make regulations for the purposes of Part X,

(a) exempting an Indian or native child and family service authority, a band or native community or specified persons or classes of persons, including persons caring for children under customary care, from any provision of this Act or the regulations;

(b) prescribing matters requiring consultation between societies or agencies and bands or native communities for the purposes of clause 196 (h).

PART XII

TRANSITION AND REPEALS

207. Subclause 1 (c) (i) of the *Charitable Institutions Act*, being chapter 64 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(i) a children's residence under Part IX (Licensing) of the *Child and Family Services Act, 1984* or premises approved under subsection 9 (1) of Part I (Flexible Services) of that Act. 1984, c. 55

208.—(1) The *Child Welfare Act*, being chapter 66 of the Revised Statutes of Ontario, 1980, paragraph 2 of the Schedule to the *Revised Statutes Amendment Act, 1981*, being chapter 66 and section 17 of the *Municipal Conflict of Interest Act, 1983*, being chapter 8, are repealed.

Transition

(2) Despite subsection (1),

(a) a children's aid society that is in operation in a territorial jurisdiction on the day this section comes into force shall be deemed to be an approved agency and to have been designated as a society under subsection 15 (2) of Part I (Flexible Services) for that territorial jurisdiction for all the functions set out in subsection 15 (3) of that Part;

(b) a person whose appointment as a Director under the *Child Welfare Act* is in effect on the day this section comes into force shall be deemed to have been appointed as a Director under subsection 5 (1) of Part I (Flexible Services) to perform all the duties and functions and exercise all the powers of a Director under this Act and the regulations;

(c) a licence issued or renewed under the said Act that is in effect on the day this section comes into force continues in effect under Part IX (Licensing) until the term for which it was issued expires or until it is otherwise terminated under that Part;

(d) the said Act continues to apply to a proceeding commenced under Part II (Protection and Care of Children) of the said Act before the day this section comes into force; and

(e) the said Act continues to apply to an application for an adoption order in respect of a child who is placed

for adoption before the day this section comes into force.

Exception

(3) Clause (2) (a) does not apply to The Jewish Family and Child Service of Metropolitan Toronto.

209.—(1) The *Children's Institutions Act*, being chapter 67 of the Revised Statutes of Ontario, 1980, is repealed.

Transition

(2) Despite subsection (1),

(a) an approval under the said Act that is in effect on the day this section comes into force continues in effect under Part I (Flexible Services) until it is terminated under that Part or until a new approval is given under that Part;

(b) a person whose appointment as a Director under the said Act is in effect on the day this section comes into force shall be deemed to have been appointed as a Director under subsection 5 (1) of Part I (Flexible Services) to perform all the duties and functions and exercise all the powers of a Director under this Act and the regulations; and

(c) a person whose appointment as a program adviser under the said Act is in effect on the day this section comes into force shall be deemed to have been appointed as a program supervisor under subsection 5 (2) of Part I (Flexible Services) to perform all the duties and functions and exercise all the powers of a program supervisor under this Act and the regulations.

210.—(1) The *Children's Residential Services Act*, being chapter 71 of the Revised Statutes of Ontario, 1980, is repealed.

Transition

(2) Despite subsection (1),

(a) a licence issued or renewed under the said Act that is in effect on the day this section comes into force continues in effect under Part IX (Licensing) until the term for which it was issued expires or until it is otherwise terminated under that Part ; and

(b) a person whose appointment as a Director under the said Act is in effect on the day this section comes into force shall be deemed to have been appointed as a Director under subsection 5 (1) of Part I (Flexible

Services) to perform all the duties and functions and exercise all the powers of a Director under this Act and the regulations; and

(c) a person whose appointment as a program adviser under the said Act is in effect on the day this section comes into force shall be deemed to have been appointed as a program supervisor under subsection 5 (2) of Part I (Flexible Services) to perform all the duties and functions and exercise all the powers of a program supervisor under this Act and the regulations.

211.—(1) The *Children's Mental Health Services Act*, being chapter 69 of the Revised Statutes of Ontario, 1980, is repealed.

Transition

(2) Despite subsection (1),

(a) an approval under the said Act that is in effect on the day this section comes into force continues in effect under Part I (Flexible Services) until it is terminated under that Part or until a new approval is given under that Part;

(b) a person whose appointment as a Director under the said Act is in effect on the day this section comes into force shall be deemed to have been appointed as a Director under subsection 5 (1) of Part I (Flexible Services) to perform all the duties and functions and exercise all the powers of a Director under this Act and the regulations; and

(c) a person whose appointment as a program adviser under the said Act is in effect on the day this section comes into force shall be deemed to have been appointed as a program supervisor under subsection 5 (2) of Part I (Flexible Services) to perform all the duties and functions and exercise all the powers of a program supervisor under this Act and the regulations.

212.—(1) Clauses 10 (2) (b), (c) and (i) of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

(b) a children's residence under Part IX (Licensing) of the *Child and Family Services Act, 1984* or premises approved under subsection 9 (1) of Part I (Flexible Services) of that Act. 1984, c. 55

(2) Subsections 10 (3) and (4) of the said Act are repealed and the following substituted therefor:

Inmate off premises

(3) Where a person dies while he is,

(a) a patient of a psychiatric facility;

(b) committed to a correctional institution;

R.S.O. 1980, c. 508

(c) a ward of the Crown under the *Training Schools Act*; or

S.C. 1980-81-82-83, c. 110

(d) committed to secure custody or open custody under the *Young Offenders Act* (Canada),

but while not on the premises or in actual custody of the facility, institution, training school or place of custody, as the case may be, subsections (1) and (2) apply as if the person were a resident of an institution named therein.

Persons in custody

(4) Where a person dies while detained by or in the actual custody of a peace officer or while an inmate on the premises of a correctional institution, lock-up, training school or place or facility designated as a place of secure custody under section 24 of the *Young Offenders Act* (Canada), the peace officer or officer in charge of the institution, lock-up, training school or place or facility, as the case may be, shall immediately give notice of the death to a coroner and the coroner shall issue his warrant to hold an inquest upon the body.

213.—(1) Clause 47 (1) (a) of the *Courts of Justice Act, 1984*, being chapter 11, is repealed and the following substituted therefor:

(a) shall be deemed to be and shall sit as the Provincial Offences Court,

R.S.O. 1980, c. 400

(i) for the purpose of dealing with young persons as defined in the *Provincial Offences Act*, and

1984, c. 55

(ii) for the purposes of prosecutions under Part III (Child Protection) and Part VII (Adoption) of the *Child and Family Services Act, 1984*; and

. . . . .

(2) The Schedule to Part III of the said Act is repealed and the following substituted therefor:

SCHEDULE

Jurisdiction under the following statutory provisions:

	Statutes	Provisions
1.	Annulment of Marriages Act (Ontario) (Canada)	All
2.	Child and Family Services Act, 1984	Parts III, VI and VII
3.	Children's Law Reform Act	All, except sections 60 and 61
4.	Divorce Act (Canada)	All
5.	Education Act	Sections 29 and 30
6.	Family Law Reform Act	All, except Part V
7.	Marriage Act	Sections 6 and 9
8.	Minors' Protection Act	Section 2
9.	Reciprocal Enforcement of Maintenance Orders Act, 1982	All
10.	Young Offenders Act (Canada)	All

(3) Section 70 of the said Act is amended by adding thereto the following subsection:

(1a) A proceeding in the Provincial Offences Court under Part III (Child Protection) or Part VII (Adoption) of the *Child and Family Services Act, 1984* shall be conducted in the Provincial Court (Family Division) or, in the Judicial District of Hamilton-Wentworth, in the Unified Family Court, sitting as the Provincial Offences Court. Sittings 1984, c. 55

(4) Clause 75 (1) (a) of the said Act is repealed and the following substituted therefor:

(a) shall be deemed to be and shall sit as the Provincial Offences Court,

(i) for the purpose of dealing with young persons as defined in the *Provincial Offences Act*, and R.S.O. 1980, c. 400

(ii) for the purposes of prosecutions under Part III (Child Protection) and Part VII (Adoption) of the *Child and Family Services Act, 1984*. 1984, c. 55

214.—(1) Subclauses 19 (5) (a) (i) and (vi) of the *Crown Employees Collective Bargaining Act*, being chapter 108 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

1984, c. 55

(i) premises where services are provided by the Minister under the *Child and Family Services Act, 1984*,

. . . . .

S.C. 1980-81-82-83, c. 110

(vi) a place or facility designated under subsection 7 (1) of the *Young Offenders Act* (Canada) as a place of temporary detention.

(2) Clause 19 (5) (a) of the said Act is amended by adding thereto the following subclause:

(viii) a place or facility designated as a place of secure custody or as a place of open custody under section 24 of the *Young Offenders Act* (Canada); and

. . . . .

215.—(1) Clause 1 (c) of the *Day Nurseries Act*, being chapter 111 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

1984, c. 55

(c) "Board" means the Children's Services Review Board continued under Part IX (Licensing) of the *Child and Family Services Act, 1984*.

(2) Subclause 1 (d) (v) of the said Act is repealed.

(3) Subsection 13 (5) of the said Act is repealed and the following substituted therefor:

Application of 1984, c. 55

(5) Sections 182, 184 and 185 of Part IX of the *Child and Family Services Act, 1984* apply with necessary modifications to proceedings before the Board, to the powers of the Board under this Act and to appeals therefrom.

216.—(1) Clause 43 (c) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, is amended by striking out "the *Children's Residential Services Act*" in the second and third lines and inserting in lieu thereof "Part IX (Licensing) of the *Child and Family Services Act, 1984*".

(2) Subsection 166 (2) of the said Act is amended by striking out "a children's mental health centre approved under the *Children's Mental Health Services Act*" in the ninth and tenth lines and inserting in lieu thereof "premises approved under subsection 9 (1) of Part I (Flexible Services) of the *Child and*

Family Services Act, 1984 **for the provision of a child development service or child treatment service".**

217. Subsection 52 (1) of the *Health Insurance Act*, being chapter 197 of the Revised Statutes of Ontario, 1980, is amended by striking out "a children's mental health centre or an approved children's mental health centre under the *Children's Mental Health Services Act*" in the third, fourth and fifth lines.

218.—(1) Subclauses 1 (d) (iii) and (iv) of the *Homes for Retarded Persons Act*, being chapter 201 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

(iii) premises approved under subsection 9 (1) of Part I (Flexible Services) of the *Child and Family Services Act, 1984*, a children's residence licensed under Part IX (Licensing) of that Act or a foster home within the meaning of that Act. 1984, c. 55

(2) Subclauses 1 (d) (i) and (viii) of the said Act are repealed.

(3) Section 8 of the said Act is amended by striking out "the *Child Welfare Act*" in the thirteenth and fourteenth lines and inserting in lieu thereof "Part III (Child Protection) of the *Child and Family Services Act, 1984*".

219.—(1) The Preamble to *The Jewish Family and Child Service of Metropolitan Toronto Act, 1980*, being chapter 105, is amended by striking out "*The Child Welfare Act, 1978*" in the seventeenth line and inserting in lieu thereof "the *Child and Family Services Act, 1984*".

(2) Sections 1 and 2 of the said Act are repealed and the following substituted therefor:

Corporation deemed to be a children's aid society 1984, c. 55

1. For the purposes of every Act, the Corporation is deemed to be a children's aid society designated under subsection 15 (2) of the *Child and Family Services Act, 1984,* for the territorial jurisdiction in which it operates on the day section 219 of that Act comes into force, for all the functions set out in subsection 15 (3) of that Act.

Non-application of certain provisions

2. Despite section 1,

(a) sections 18 and 19 (municipal representatives, payments by Minister and municipalities), subsection 20

1984, c. 55

(1) (municipal levies) and clause 22 (1) (f) (revocation and take-over powers) of the *Child and Family Services Act, 1984* do not apply to the Corporation; and

(b) the powers conferred on the Corporation to apprehend and detain children under section 40 of that Act shall be exercised only within The Municipality of Metropolitan Toronto.

220. Clause 6a (b) of the *Ministry of Community and Social Services Act*, being chapter 273 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1981, chapter 39, section 2, is repealed and the following substituted therefor:

1984, c. 55
R.S.O. 1980, c. 508
S.C. 1980-81-82-83, c. 110

(b) any other person who is a Crown ward under Part III (Child Protection) of the *Child and Family Services Act, 1984* or the *Training Schools Act* or held in a place or facility designated as a place of secure custody or as a place of open custody under section 24 of the *Young Offenders Act* (Canada) or as a place of temporary detention under subsection 7 (1) of that Act,

. . . . .

221. Clause 1 (c) of the *Ministry of Correctional Services Act*, being chapter 275 of the Revised Statutes of Ontario, 1980, is amended by inserting after "*Act*" in the fourth line "a place or facility designated as a place of secure custody or as a place of open custody under section 24 of the *Young Offenders Act* (Canada) or as a place of temporary detention under subsection 7 (1) of that Act".

222. Subsection 160 (3) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by inserting after "training school" in the fourth line "or place of secure custody designated under section 24 of the *Young Offenders Act* (Canada)".

223. Subclauses 1 (g) (ii) and (iii) of the *Nursing Homes Act*, being chapter 320 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

1984, c. 55

(ii) the *Child and Family Services Act, 1984*.

224. Clause 23 (1) (c) of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, is amended by striking out "detention and observa-

tion home" in the third line and inserting in lieu thereof "place of secure custody designated under section 24 of the *Young Offenders Act* (Canada) or place of temporary detention designated under subsection 7 (1) of that Act".

225. Subsection 17 (2) of the *Ombudsman Act*, being chapter 325 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

To be forwarded

(2) Notwithstanding any provision in any Act, where any letter written by,

(a) an inmate of any provincial correctional institution;

(b) a ward of the Crown under the *Training Schools Act*; R.S.O. 1980, c. 508

(c) a person held in a place of secure or open custody designated under section 24 of the *Young Offenders Act* (Canada); or S.C. 1980-81-82-83, c. 110

(d) a patient in a provincial psychiatric facility,

is addressed to the Ombudsman it shall be immediately forwarded, unopened, to the Ombudsman by the person for the time being in charge of the institution, training school, place of secure or open custody or facility.

226. Subclause 1 (h) (iv) of the *Private Hospitals Act*, being chapter 389 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(iv) a children's residence licensed under Part IX (Licensing) of the *Child and Family Services Act, 1984*. 1984, c. 55

227.—(1) Subclauses 21 (1) (a) (ii), (iii) and (iv) of the *Health Protection and Promotion Act, 1983*, being chapter 10, are repealed and the following substituted therefor:

(ii) premises approved under subsection 9 (1) of Part I (Flexible Services) of the *Child and Family Services Act, 1984*, 1984, c. 55

(iii) children's residence within the meaning of Part IX (Licensing) of the *Child and Family Services Act, 1984*.

(2) Clause 21 (1) (a) of the said Act is amended by adding thereto the following subclause:

S.C. 1980-81-82-83, c. 110

(xviii) place or facility designated as a place of secure custody under section 24 of the *Young Offenders Act* (Canada),

. . . . .

(3) Subsections 37 (1) and (2) of the said Act are repealed and the following substituted therefor:

Examination of person under detention

(1) A physician who provides medical services in a correctional institution, a training school, a place of secure custody, a lock-up or a place of temporary detention and who is of the opinion that a person detained therein is infected or may be infected with an agent of a communicable disease shall notify forthwith the medical officer of health of the health unit in which the institution is located.

Order by M.O.H. re person under detention

(2) A medical officer of health by order may require the superintendent of a correctional institution, a training school, a place of secure custody, a lock-up or a place of temporary detention located in the health unit served by the medical officer of health to take such action as is specified in the order to prevent the infection of others by a person who is detained in the correctional institution, training school, place of secure custody, lock-up or place of temporary detention and who has been examined and found to be infected with an agent of a communicable disease.

(4) Clause 37 (3) (c) of the said Act is repealed and the following substituted therefor:

(c) "place of secure custody" means a place or facility designated as a place of secure custody under section 24 of the *Young Offenders Act* (Canada);

S.C. 1980-81-82-83, c. 110

(ca) "place of temporary detention" means a place or facility designated as a place of temporary detention under subsection 7 (1) of the *Young Offenders Act* (Canada).

228.—(1) Sections 1 to 8 and subsections 9 (1), (2) and (3) of the *Young Offenders Implementation Act, 1984*, being chapter 19, are repealed.

Transition

(2) Despite subsection (1),

(a) services and programs established under subsection 3 (1) of the said Act on or before the day this section comes into force are continued under subsection 85 (1) of Part IV (Young Offenders);

(b) a person whose appointment as a provincial director under the said Act is in effect on the day this section comes into force shall be deemed to have been appointed as a provincial director under clause 86 (1) (a) of Part IV (Young Offenders) to perform all the duties and functions of a provincial director,

(i) under the federal Act, and

(ii) under the regulations;

(c) a person whose appointment as a probation officer under the said Act is in effect on the day this section comes into force shall be deemed to have been appointed as a probation officer under clause 86 (1) (b) of Part I (Flexible Services) to perform all the duties and functions,

(i) of a youth worker under the federal Act, and

(ii) of a probation officer for the purpose of dealing with young persons under the *Provincial Offences Act*, and R.S.O. 1980, c. 400

(iii) of a probation officer under the regulations; and

(d) a person whose appointment as a program supervisor under the said Act is in effect on the day this section comes into force shall be deemed to have been appointed as a program supervisor under subsection 5 (2) of Part I (Flexible Services) to perform all the duties and functions and exercise all the powers of a program supervisor under this Act and the regulations.

229. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

230. The short title of this Act is the *Child and Family Services Act, 1984*. Short title

CHAPTER 56

An Act to amend the Theatres Act

Assented to December 14th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (a) of the *Theatres Act*, being chapter 498 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(a) "Board" means the Ontario Film Review Board referred to in section 3.

(2) Section 1 of the said Act is amended by adding thereto the following clause:

(ba) "distribute" means distribute for direct or indirect gain and includes rent, lease and sell.

(3) Clause 1 (f) of the said Act is repealed and the following substituted therefor:

(f) "film exchange" means the business of distributing film;

(4) Clause 1 (n) of the said Act is repealed.

2. Section 2 of the said Act is amended by adding thereto the following subsections:

(3) The Director shall provide the Minister with an annual report on the administration of this Act and the regulations. Annual report

(4) Upon receiving a report under subsection (3), the Minister shall forthwith lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Idem

3. Section 3 of the said Act is repealed and the following substituted therefor:

Board

3.—(1) The board known as the Board of Censors is continued and shall be known as the Ontario Film Review Board and shall consist of the Director who shall be chairman of the Board and such other persons as the Lieutenant Governor in Council may appoint.

Vice-chairman

(2) The Lieutenant Governor in Council may designate one or more of the members of the Board as a vice-chairman.

Remuneration

(3) The members of the Board shall be paid such remuneration and expenses as may be fixed by the Lieutenant Governor in Council.

Chairman

(4) The chairman of the Board shall have general supervision and direction over the conduct of the affairs of the Board.

Powers

(5) The Board has power,

(a) subject to the regulations, to approve, prohibit and regulate the exhibition and distribution of film in Ontario;

(b) when authorized by the person submitting film for approval, to remove from the film any portion that it does not approve of for exhibition or distribution;

(c) subject to the regulations, to approve, prohibit or regulate advertising in Ontario in connection with any film or the exhibition or distribution thereof;

(d) to classify films in accordance with the classifications set out in subsection (7); and

(e) to carry out its duties under this Act and the regulations.

Idem

(6) The Board may designate one or more of its members to exercise the powers of the Board under clause (5) (c).

Film classification

(7) Films may be classified in accordance with the following categories:

1. Family.

2. Parental guidance.

3. Adult accompaniment.

4. Restricted.

(8) For purposes of subsection (7), where a film is classified as, Idem

(a) family, the film is one that the Board considers appropriate for viewing by a person of any age;

(b) parental guidance, the film is one that the Board considers every parent should exercise discretion in permitting a child to view;

(c) adult accompaniment, the film is one the Board considers the viewing of which should be restricted to persons fourteen years of age or older or to persons younger than fourteen years of age who are accompanied by an adult; or

(d) restricted, the film is one the Board considers the viewing of which should be restricted to persons eighteen years of age or older.

(9) Part 1 of the *Statutory Powers Procedure Act* does not apply to decisions made by the Board. Non-application of R.S.O. 1980, c. 484

4. Section 4 of the said Act is repealed and the following substituted therefor:

4.—(1) The Lieutenant Governor in Council may appoint inspectors to carry out such duties as may be assigned to them by this Act or the regulations. Inspectors

(2) It is the duty of an inspector and the inspector has power, Powers and duty

(a) to inspect, at reasonable times, theatres, any other premises where film is exhibited and business premises occupied by film exchanges to ensure that the provisions of this Act and the regulations are complied with;

(b) to supervise projectionist's examinations and tests;

(c) by written order, to prohibit the use or exhibition of any film that the inspector believes, on reasonable and probable grounds, is not safe to use or exhibit;

(d) by written order, to prohibit the use of a projector that the inspector believes, on reasonable and probable grounds, was operated contrary to this Act or the regulations;

(e) subject to subsection (5), in the performance of a duty, to enter any theatre or other premises in which film is exhibited or that is occupied by a film exchange.

Order to hand over

(3) Where, on reasonable and probable grounds, an inspector believes that a projector was operated or a film or advertising was exhibited, used or offered for distribution contrary to this Act or the regulations, the inspector may, by written order, direct that the projector, film or advertising, as the case may be, be turned over to the inspector.

Order to retain

(4) Where an order under subsection (3) is not complied with immediately, the inspector may, by written order, direct that the subject-matter of the order not be removed from the premises, destroyed or altered in any manner for a period of ten days except under lawful authority.

Power to enter restricted

(5) The powers set out in clauses (2) (a) and (e) do not permit an inspector,

(a) to enter any place actually being used as a dwelling without the consent of the occupier; or

(b) to use force in the exercise of a power of entry and inspection,

except under the authority of a warrant.

Warrant

(6) Where, upon an *ex parte* application by an inspector, a justice of the peace is satisfied by information, under oath,

(a) that there is reasonable ground for believing that it is necessary to enter a particular building or premises for the administration of this Act or the regulations and,

(i) a reasonable, unsuccessful effort to effect entry without the use of force has been made, or

(ii) there is reasonable ground for belief that entry would be denied without a warrant; or

(b) that an order issued under subsection (3) has not been complied with,

the justice of the peace may issue a warrant authorizing an inspector, with such police officers as are required to assist, to enter the building premises and to take any action that an

inspector may take under this Act and to remove and hold any projector that the inspector believes, on reasonable and probable grounds, was operated or any film or advertising that the inspector believes, on reasonable or probable grounds, was exhibited, used or offered for distribution contrary to this Act or the regulations, and to use such force as may be necessary.

Idem

(7) A justice of the peace shall not issue a warrant under subsection (6) to enter any place actually being used as a dwelling unless the inspector satisfies the justice of the peace, under oath, that he has reasonable grounds to believe the place is used as a business premises occupied by a film exchange.

Limitation

(8) An entry under a warrant may be made only between sunrise and sunset unless the warrant specifies otherwise.

Identification

(9) The Deputy Minister of Consumer and Commercial Relations shall issue a certificate of appointment to every inspector appointed under this Act which certificate shall contain a photograph of the inspector.

Idem

(10) Every inspector, while exercising any powers or performing any duties under this Act shall produce a certificate of appointment upon request.

5. Section 6 of the said Act is repealed and the following substituted therefor:

Cancellation, etc., of licence for non-compliance with order or contravention of term

6.—(1) Non-compliance with an order issued under this Act directed to a licensee under this Act or contravention of a term or condition of a licence is grounds for which the Director may, after a hearing, refuse to renew or suspend or cancel the licence of the person to whom the order was directed or, in the case of a contravention of a term or condition, the licensee.

Review of inspector's order

(2) Any person to whom an inspector has issued an order or who claims an interest in any projector, film or advertising turned over to or removed by an inspector may, within ten days after the issue of the order or after removal, apply to the Director for a review of the order or release of the projector, film or advertising and the Director may, after a hearing, confirm, vary or annul the order of the inspector or direct the release of the projector, film or advertising.

Forfeiture of projector, etc.

(3) Where a projector, film or advertising has been turned over to or removed by an inspector,

(a) if no application for a review of the removal is made to the Director within ten days after the removal; or

(b) if the Director finds after a hearing that the projector, film or advertising was installed, used, distributed, offered for distribution or exhibited in contravention of this Act or the regulations,

the Director may, subject to appeal, direct that the projector, film or advertising is forfeited to the Crown.

6. Sections 10 and 11 of the said Act are repealed and the following substituted therefor:

Classification of theatres

10. Theatres are classified and defined as follows:

1. Class A theatre means premises in which standard film is used to exhibit moving pictures.

2. Class B theatre means premises used primarily for the exhibition of film other than standard film.

3. Class C theatre means any premises in which film is exhibited and viewed by the public from vehicles and commonly known as a drive-in theatre.

Theatre licence required

11. No person shall use any premises as a Class A, B or C theatre without an appropriate licence therefor under this Act.

7.—(1) Subsection 12 (1) of the said Act is amended by inserting after "entitled" in the second line "upon submitting a completed application and".

(2) Subsection 12 (2) of the said Act is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding thereto the following clause:

(c) the applicant is a corporation and the past conduct of an officer, director or shareholder affords reasonable grounds for belief that the applicant will not comply with this Act and the regulations in operating the theatre.

8. Section 16 of the said Act is amended by adding thereto the following subsection:

Application of R.S.O. 1980, c. 302

(2) Subsection (1) does not apply in respect of the licensing of a theatre under section 222 of the *Municipal Act*.

9. Section 18 of the said Act is repealed.

10. Subsections 20 (2), (3), (4) and (5) of the said Act are repealed and the following substituted therefor:

Uniformed attendant

(2) No film shall be exhibited in a theatre where a person under twelve years of age not accompanied by a person sixteen years of age or older is permitted to attend unless a person who is eighteen years of age or older dressed in a readily identifiable uniform is on duty in the theatre.

Persons under 14 attending adult accompaniment film exhibition

(3) No person shall,

(a) sell to a person apparently under fourteen years of age a ticket of admission to;

(b) grant to a person apparently under fourteen years of age admission into; or

(c) knowingly permit a person apparently under fourteen years of age to remain in,

a theatre or other premises where a film classified as adult accompaniment is about to be or is being exhibited unless the person apparently under fourteen years of age is accompanied by a person apparently eighteen years or more of age.

Persons under 18 years prohibited from viewing restricted film exhibition

(4) No person shall,

(a) sell to a person apparently under eighteen years of age a ticket of admission to;

(b) grant to a person apparently under eighteen years of age admission into; or

(c) knowingly permit a person apparently under eighteen years of age to remain in,

a theatre or other premises where a film classified as restricted is about to be or is being exhibited.

Proof of age

(5) Subsections (1), (3) and (4) do not apply where the person selling the ticket of admission or permitting admission to or remaining in the theatre or other premises has received satisfactory evidence that the person in question is the required age or older.

Prosecution under subs. (1), (3) or (4)

(6) In any prosecution for a contravention of subsection (1), (3) or (4), the court shall determine from the appearance of any person and other relevant circumstances whether he is

apparently under the age referred to in subsection (1), (3) or (4).

11. Section 23 of the said Act is repealed.

12. Section 25 of the said Act is repealed and the following substituted therefor:

Operation of projector without licence

25. No person shall,

(a) operate a projector designed for the use of standard film; or

(b) operate a projector in a Class A or C theatre,

unless the person is licensed as a projectionist under this Act and no licensee, manager or person in charge of a Class A or C theatre shall permit any person to operate a projector in the theatre unless the person is licensed as a projectionist under this Act.

13. Section 35 and the heading immediately preceding and section 36 of the said Act are repealed and the following substituted therefor:

APPROVAL OF FILMS AND ADVERTISING

Approval of film

35.—(1) Before the exhibition or distribution in Ontario of a film, an application for approval to exhibit or distribute and for classification of the film shall be made to the Board.

Idem

(2) After viewing a film, the Board, in accordance with the criteria prescribed by the regulations, may refuse to approve the film for exhibition or distribution in Ontario.

Conditional

(3) The Board, having regard to the criteria prescribed by the regulations, may make an approval conditional upon the film being exhibited in designated locations and on specified dates only.

Quorum

(4) Except as otherwise provided, for the purpose of exercising a power under clause 3 (5) (a) or (d), three members of the Board constitute a quorum.

Review of decision

(5) Where a film has been submitted for approval and classification under subsection (1), the person submitting the film, on payment of the prescribed fee, may appeal the Board's decision by submitting the film for reconsideration by a panel of the Board and that panel, after viewing the film, shall make a decision on its approval and classification.

(6) A decision by a panel of the Board under subsection (5) as to classification is final. Decision final

(7) The panel referred to in subsection (5) shall be composed of at least five members, none of whom had participated in a previous decision on the film. Panel

(8) A person who has appealed under subsection (5) may appeal the Board's decision as to approval to the Divisional Court in accordance with the rules of court and, where there is an appeal, the Minister is entitled to be heard. Appeal

(9) An appeal under subsection (8) may be made on question of law or fact or both and the Court may affirm or may rescind the decision of the Board and may direct the Board to take any action that the Board may take and as the Court considers proper. Powers of Court on appeal

35a.—(1) Where the chairman of the Board is of the opinion that the criteria prescribed by regulation respecting subject-matter or content in films have changed since a film was originally approved and classified and that the film may not be entitled to the approval or classification determined at the time of the original decision, the chairman may require that the film be submitted for reconsideration by the Board. Reconsideration of film by Board

(2) Where a film is submitted for reconsideration under subsection (1), the provisions of section 35 apply with necessary modifications except that no fees shall be charged. Idem

36. Where a film is approved by the Board, the approval shall be indicated in the manner prescribed by the regulations. Indication of approval

14. Section 37 of the said Act is repealed and the following substituted therefor:

37. An application under section 35 shall be made in the manner prescribed by the regulations and be accompanied by the prescribed fee. Submission for approval

15. Sections 38, 39 and 40 of the said Act are repealed and the following substituted therefor:

38.—(1) No person shall exhibit, distribute or offer to distribute or cause to be exhibited, distributed or offered for distribution in Ontario any film that has not been approved by the Board. Exhibition of film

Idem

(2) No person shall exhibit or cause to be exhibited in Ontario any film that has been approved by the Board subject to any conditions except in accordance with those conditions.

Alteration of film

39. No person shall alter or cause to be altered, for the purpose of exhibition or distribution in Ontario, any film from its state as approved by the Board.

Approval of advertising

40.—(1) No person shall publicly display any advertising matter in connection with a film or the exhibition or distribution thereof, unless a sample of the advertising matter has been approved by the Board.

Samples to be submitted to Board

(2) Before advertising matter in connection with a film or the exhibition or distribution thereof is publicly displayed in Ontario, a sample thereof, in duplicate, accompanied by the prescribed fee shall be submitted to the Board for approval.

Board may refuse to approve

(3) The Board, in accordance with the criteria prescribed by the regulations, may refuse to approve advertising matter submitted under subsection (2).

Second decision

(4) Where the Board has refused to approve advertising matter, the person submitting the advertising matter may require the Board to reconsider its decision and a panel of the Board composed of at least five persons, none of whom had participated in the original decision, shall consider the advertising matter and either confirm the original decision or substitute its own decision therefor.

Decision final

(5) A decision of the Board under subsection (4) is final.

Stamp of approval

(6) Where a sample of advertising matter is approved by the Board, it shall be so stamped and one sample shall be returned to the person who submitted it.

16. Subsection 42 (2) of the said Act is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding thereto the following clause:

(c) where the applicant is a corporation and the past conduct of an officer, director or shareholder affords reasonable grounds for belief that the applicant will not comply with this Act and the regulations in carrying on the business of a film exchange.

17. The said Act is amended by adding thereto the following section:

47a.—(1) No film exchange or agent or employee thereof shall distribute a film classified as restricted to any person apparently under the age of eighteen years. Distribution of restricted film

(2) Subsection (1) does not apply where the agent or employee has received satisfactory evidence that the person in question is eighteen years of age or more. Proof of age

(3) In any prosecution for a contravention of subsection (1), the Court shall determine from the appearance of any person and other relevant circumstances whether he is apparently under eighteen years of age. Prosecution under subs. (1)

18. Sections 50, 51 and 52 of the said Act are repealed.

19. Subsection 53 (1) of the said Act is repealed and the following substituted therefor:

(1) No person shall operate or permit the operation of projection equipment to exhibit film in premises that are not licensed as a theatre without a licence for the equipment from the Director. Licence to operate projector

20. Subsection 55 (1) of the said Act is repealed and the following substituted therefor:

(1) The Director may, after a hearing, refuse to issue a licence under section 53 or 54 where, Refusal to issue

(a) the applicant has previously been issued a licence of the type applied for if the licence was cancelled and the grounds for cancellation still exist; or

(b) the applicant is a corporation and the past conduct of an officer, director or shareholder affords reasonable grounds for belief that the applicant will not comply with this Act and the regulations concerning the operating of projectors or exhibiting films.

21. Section 62 of the said Act is repealed and the following substituted therefor:

62. A statement as to, Certificate by Director

(a) the licensing or non-licensing of any person;

(b) the classification of any film;

(c) the approval or non-approval of any film; or

(d) the approval or non-approval of any advertising,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

22. Paragraphs 9, 15, 16, 17, 23, 24, 25, 28 and 30 of subsection 63 (1) of the said Act are repealed and the following substituted therefor:

9. prohibiting and regulating the use, distribution or exhibition of film or any type or class thereof;

. . . . .

15. prescribing building plans, documents and other information to be submitted to the Director with an application for a licence;

16. requiring signs to be displayed in respect of the exhibition of film classified by the Board and prescribing types of signs and the manner in which the signs shall be displayed;

17. prescribing the manner in which advertising matter in connection with any film classified by the Board or the exhibition or distribution thereof shall indicate that the film has been so classified;

17a. prescribing the manner that approval and classification of films shall be indicated;

. . . . .

19a. prescribing terms and conditions to which theatre licences and film exchange licences or any classes thereof are subject;

. . . . .

23. prescribing the fees to be paid for the classification or approval of films by the Board;

24. prescribing the manner of application and the material to be submitted to the Board for an approval under section 35;

24a. prescribing the fees to be paid for a review under section 35;

25. prescribing the fees to be paid with the submission of advertising matter under section 40;

. . . . .

28. providing for the issue, expiry and renewal of licences under section 53 and prescribing fees therefor;

. . . . .

30. exempting any theatre, film exchange, projector, film or person or any class or type thereof from any provision of this Act or the regulations;

31. prescribing criteria on which the Board may exercise its powers under sections 3, 35 and 40 including prescribing the film or advertising content or subject-matter that the Board may refuse to approve;

32. prescribing procedures concerning matters before the Board.

23.—(1) Subsection 222 (8) of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by striking out "licensed under the *Theatres Act* or" in the third line.

(2) Clause 222 (9) (e) of the said Act is repealed and the following substituted therefor:

(e) "services" includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the *Theatres Act*. R.S.O. 1980, c. 498

24. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

25. The short title of this Act is the *Theatres Amendment Act, 1984*. Short title

CHAPTER 57

An Act respecting Public Libraries

Assented to December 14th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "board" in Part I means a public library board, a union board, a county library board or a county library co-operative board and in Part II means an Ontario library service board;

(b) "Minister" means the Minister of Citizenship and Culture;

(c) "municipality" means a city, town, village, township or improvement district;

(d) "prescribed" means prescribed by the regulations;

(e) "regulations" means the regulations made under this Act.

PART I

PUBLIC LIBRARY SERVICE

PUBLIC LIBRARY BOARDS

Public libraries continued

2. Every public library established under a predecessor of this Part that was being operated immediately before the day this Part comes into force is continued subject to this Part.

Establishment of public library

3.—(1) The council of a municipality and the trustees of an improvement district may by by-law establish a public library.

Copy of by-law to be sent to Minister

(2) When a by-law is passed under subsection (1), the clerk shall promptly mail or deliver a copy of the by-law to the Minister.

Board

(3) A public library shall be under the management and control of a board, which is a corporation known as "The (*insert name of municipality*) Public Library Board".

UNION BOARDS

Union libraries continued

4. Every union public library established under a predecessor of this Part that was being operated immediately before the day this Part comes into force is continued subject to this Part.

Establishment of union public library

5.—(1) The councils of two or more municipalities may make an agreement for the establishment of a union public library.

Agreement

(2) An agreement under subsection (1) shall specify what proportion of the cost of the establishment, operation and maintenance of the union public library, including the cost of existing libraries, shall be paid by each municipality.

Union board

(3) A union public library shall be under the management and control of a union board, which is a corporation known as "The (*insert appropriate name*) Union Public Library Board".

Dissolution of boards included in union

(4) When an agreement is made under subsection (1), the public library boards established in the municipalities for which the union board is established are thereby dissolved, and the assets and liabilities of those boards are vested in and assumed by the union board, unless the agreement provides otherwise.

Copy of agreement to be sent to Minister

(5) When an agreement is made under subsection (1), the clerk of the municipality that has the greatest population shall promptly mail or deliver a copy of the agreement to the Minister.

COUNTY LIBRARY BOARDS

County libraries continued

6. Every county library established under a predecessor of this Part that was being operated immediately before the day this Part comes into force is continued subject to this Part.

County library establishment

7.—(1) Where resolutions of the councils of at least two-thirds of the municipalities forming part of a county for municipal purposes request that the county establish a county library, the council of the county may by by-law establish a county library for those municipalities.

Copy of by-law to be sent to Minister

(2) When a by-law is passed under subsection (1), the clerk shall promptly mail or deliver a copy of the by-law to the Minister.

Additional members: agreements

(3) At any time after a county library is established, the council of a non-participating municipality, city or separated town and the county council may make an agreement bringing the non-participating municipality, city or separated town into the county library, and the county council shall amend the establishing by-law accordingly.

Contents of agreement

(4) An agreement made under subsection (3) shall specify what proportion of the cost of the establishment, operation and maintenance of the county library shall be paid by the county and the city or separated town respectively.

Dissolution of public library boards, etc.

(5) When a county library is established, every public library board and county library co-operative established for a municipality or any part thereof that is included in the area for which the county library is established is dissolved, and the assets and liabilities of the boards are vested in and assumed by the county library board unless the by-law establishing the county library provides otherwise.

Idem

(6) When a municipality joins a county library, subsection (5) applies with necessary modifications.

County library board

(7) A county library shall be under the management and control of a board, which is a corporation known as "The (*insert name of county*) County Library Board".

COUNTY LIBRARY CO-OPERATIVE BOARDS

County library co-operatives continued

8.—(1) Every county library co-operative board established under a predecessor of this Act that was in existence immediately before the day this Part comes into force is continued subject to this Part.

When dissolved

(2) Where a county library co-operative has jurisdiction in an area for which a county library is established, the county library co-operative is dissolved, and its assets and liabilities are vested in and assumed by the county library board.

GENERAL

Composition of public library board

9.—(1) A public library board for a municipality whose population is less than 100,000 shall be composed of at least five and no more than nine members appointed by the municipal council.

Idem

(2) A public library board for a municipality whose population is 100,000 or more shall be composed of at least nine and no more than fifteen members appointed by the municipal council.

School board representation on public library board

(3) In the case of a public library board for a municipality whose population is 10,000 or more, school boards with jurisdiction in the municipality shall be represented on the public library board in the following manner:

1. Two of the members of the public library board shall be persons recommended by the board of education and one member shall be a person recommended by the separate school board, if any, unless paragraph 2 applies.

2. If separate school electors are a majority of electors in the municipality, two of the members of the public library board shall be persons recommended by the separate school board and one member shall be a person recommended by the board of education.

3. If there is more than one board of education or more than one separate school board, in each case the board that is supported by the largest number of electors of the municipality shall make the recommendation or recommendations.

Composition of union board

(4) A union board shall be composed of at least five and no more than fifteen members appointed by the councils of the affected municipalities in the proportions and in the manner specified in the agreement made under subsection 5 (1).

Idem: county library board

(5) A county library board shall be composed of at least seven and no more than fifteen members appointed by the county council.

City or separated town: appointments to county library board

(6) When a city or separated town joins a county library, the members of the county library board shall be appointed by the county council and the council of the city or separated town in the proportions agreed upon by the county council and the council of the city or separated town.

Idem: county library co-operative board

(7) The board of a county library co-operative shall be composed of at least seven and no more than fifteen members appointed by the county council.

Qualifications of board members

10.—(1) A person is qualified to be appointed as a member of a board who is a member of the appointing council or,

(a) is at least eighteen years old;

(b) is a Canadian citizen;

(c) is,

(i) in the case of a public library board, a resident of the municipality for which the board is established, or is a resident of a municipality or of the board area of a local service board or a member of an Indian band that has a contract with the board under section 29,

(ii) in the case of a union board, a resident of one of the affected municipalities, or

(iii) in the case of a county library board or county library co-operative board, a resident of the county; and

(d) is not employed by the board or by the municipality or county or, in the case of a union board, by any of the affected municipalities.

Number of council members on board limited

(2) The appointing council shall not appoint more of its own members to a board than the number that is,

(a) in the case of a public library board or union board, one less than a majority of the board; and

(b) in the case of a county library or a county co-operative library, a bare majority of the board.

Term

(3) A board member shall hold office for a term concurrent with the term of the appointing council, or until a successor is appointed, and may be reappointed for one or more further terms.

Time for making appointments

(4) The first appointments of members of a new board shall be made at a regular meeting of council and the member shall take office as soon as possible thereafter, and thereafter appointments shall be made at the first meeting of council in each term, but if the council fails to make the appointments at its first meeting, it shall do so at its next regular meeting.

Notice of vacancies

11.—(1) The clerk of the appointing municipality or county or, in the case of a union board, the clerks of the

affected municipalities shall give public notice of vacancies on the board by publishing a notice of them, inviting applications, in a newspaper of general circulation in the municipality.

Idem

(2) The notice referred to in subsection (1) shall be in English or in both English and French, as may be appropriate.

Idem

(3) In the case of a public library board, where a vacancy on the board requires the appointment of a person recommended by the public school board, board of education or separate school board that has jurisdiction in the municipality, the notice referred to in subsection (1) shall be published in a newspaper of general circulation in the municipality by the secretary of the school board concerned.

Vacancies

12. Where a vacancy arises in the membership of a board, the appointing council shall promptly appoint a person to fill the vacancy and to hold office for the unexpired term, except where the unexpired term is less than forty-five days.

Disqualification of board member

13. If a board member,

(a) is convicted of an indictable offence;

(b) becomes incapacitated;

(c) is absent from the meetings of the board for three consecutive months without being authorized by a board resolution;

(d) ceases to be qualified for membership under clause 10 (1) (c); or

(e) otherwise forfeits his or her seat,

the member's seat becomes vacant and the remaining members shall forthwith declare the seat vacant and notify the appointing council accordingly.

First meeting

14.—(1) The first meeting of a board in a new term shall be called,

(a) if a by-law has been passed under subsection (2), by the chief executive officer appointed under subsection 15 (2); and

(b) if no by-law has been passed under subsection (2), by the clerk of the appointing council or, in the case

of a union board, the clerk of the municipality having the greatest population.

By-law re calling first meeting

(2) A municipal council or, in the case of a union board, a majority of the municipal councils affected may by by-law authorize the chief executive officer appointed under subsection 15 (2) to call the first meeting of the board in each new term.

Chairman

(3) A board shall elect one of its members as chairman at its first meeting in a new term.

Acting chairman

(4) In the absence of the chairman, the board may appoint one of its members as acting chairman.

Staff

15.—(1) A board may appoint and remove such officers and servants as it considers necessary, determine the terms of their employment, fix their remuneration and prescribe their duties.

Chief executive officer

(2) A board shall appoint a chief executive officer who shall have general supervision over and direction of the operations of the public library and its staff, shall attend all board meetings and shall have the other powers and duties that the board assigns to him or her from time to time.

Secretary

(3) A board shall appoint a secretary who shall,

(a) conduct the board's official correspondence; and

(b) keep minutes of every meeting of the board.

Treasurer

(4) A board shall appoint a treasurer who shall,

(a) receive and account for all the board's money;

(b) open an account or accounts in the name of the board in a chartered bank, trust company or credit union approved by the board;

(c) deposit all money received on the board's behalf to the credit of that account or accounts; and

(d) disburse the money as the board directs.

Idem

(5) The same person may be both the secretary and the treasurer, and the chief executive officer appointed under subsection (2) may be the secretary and may be the treasurer.

Regular meetings

16.—(1) A board shall hold regular meetings at least once monthly from January to June and from September to December, both inclusive, and at such other times as it considers necessary.

Special meetings

(2) The chairman or any two members of a board may summon a special meeting of the board by giving each member reasonable notice in writing, specifying the purpose for which the meeting is called.

Open meetings: exception

(3) Despite any other Act, board meetings shall be open to the public, except that where the board is of the opinion that intimate financial or personal matters may be disclosed at a meeting and that the desirability of protecting against the consequences of their public disclosure outweighs the desirability of holding the meeting in public, the board may hold that meeting in the absence of the public.

Excluding person

(4) Despite subsection (3), the chairman may exclude any person from a meeting for improper conduct.

Quorum

(5) The presence of a majority of the board is necessary for the transaction of business at a meeting.

Voting

(6) The chairman or acting chairman of a board may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative.

Language

17. A board may conduct its meetings in English or French or in both English and French, and subsections 104a (1), (4), (5), (6) and (7) of the *Municipal Act* apply to a board with necessary modifications.

R.S.O. 1980, c. 302

Expenses

18. A board may reimburse its members for proper travelling and other expenses incurred in carrying out their duties as members.

Real property

19.—(1) A board may, with the consent of the appointing council or, where it is a union board, the consent of a majority of the councils of the municipalities for which it was established,

(a) acquire land required for its purposes by purchase, lease, expropriation or otherwise;

(b) erect, add to or alter buildings;

(c) acquire or erect a building larger than is required for library purposes, and lease any surplus part of the building; and

(d) sell, lease or otherwise dispose of any land or building that is no longer required for the board's purposes.

Application of R.S.O. 1980, c. 148

(2) The *Expropriations Act* applies to the expropriation of land under subsection (1).

Powers and duties of board

20. A board,

(a) shall seek to provide, in co-operation with other boards, a comprehensive and efficient public library service that reflects the community's unique needs;

(b) shall seek to provide library services in the French language, where appropriate;

(c) shall operate one or more libraries and ensure that they are conducted in accordance with this Act and the regulations;

(d) may operate special services in connection with a library as it considers necessary;

(e) shall fix the times and places for board meetings and the mode of calling and conducting them, and ensure that full and correct minutes are kept;

(f) shall make an annual report to the Minister and make any other reports required by this Act and the regulations or requested by the Minister from time to time;

(g) shall make provision for insuring the board's real and personal property;

(h) shall take proper security for the treasurer; and

(i) may appoint such committees as it considers expedient.

Operation of branch libraries by county library board

21. A county library board shall operate a branch library in each local municipality that operated a public library before that municipality became part of the county library system, unless the county council and the council of the municipality concerned agree otherwise.

Retirement allowances

R.S.O. 1980, c. 302

22.—(1) A board may, with the approval of the appointing council or councils, grant an annual retirement allowance to an employee in accordance with section 100 of the *Municipal Act*, and that section applies with necessary modifications.

Pensions

(2) A board may, by resolution, provide pensions for employees or any class of them and their surviving spouses and children in the manner and subject to the conditions set out in paragraph 46 of section 208 of the *Municipal Act*, and that paragraph applies with necessary modifications.

R.S.O. 1980, c. 302

Sick leave credits

(3) A board may, by resolution, establish a system of sick leave credit gratuities for employees or any class of them in the manner and subject to the conditions set out in paragraph 47 of section 208 of the *Municipal Act*, and that paragraph applies with necessary modifications.

R.S.O. 1980, c. 302

Libraries to be open to public

23.—(1) A board shall not make a charge for admission to a public library or for use in the library of the library's materials.

Certain library services free

(2) Every board shall allow the public to,

(a) reserve and borrow circulating materials that are prescribed or belong to a prescribed class; and

(b) use reference and information services as the board considers practicable,

without making any charge.

Fees

(3) A board may impose such fees as it considers proper for,

(a) services not referred to in subsections (1) and (2);

(b) the use of the parts of a building that are not being used for public library purposes; and

(c) the use of library services by persons who do not reside in the area of the board's jurisdiction.

Rules

(4) Subject to the regulations, a board may make rules,

(a) for the use of library services;

(b) for the admission of the public to the library;

(c) for the exclusion from the library of persons who behave in a disruptive manner or cause damage to library property;

(d) imposing fines for breaches of the rules;

(e) suspending library privileges for breaches of the rules; and

(f) regulating all other matters connected with the management of the library and library property.

Estimates

24.—(1) A public library board, county library board or county library co-operative board shall submit to the appointing council, annually on or before the date and in the form specified by the council, estimates of all sums required during the year for the purposes of the board.

Approval of estimates

(2) The amount of the board's estimates that is approved or amended and approved by the council shall be adopted by the board and shall be paid to the board out of the moneys appropriated for it.

Idem

(3) The board shall apply the money paid to it under subsection (2) in accordance with the estimates as approved, subject to subsection (4).

Council may authorize variation

(4) The council may, in its approval of the board's estimates or at any time at the board's request, authorize the board to apply a specified amount or percentage of the money paid to it under subsection (2) otherwise than in accordance with the items of the estimates as approved.

Idem: union board

(5) A union board shall submit its estimates to each of the councils of the municipalities for which the board was established, and subsections (1), (2), (3) and (4) apply to the union board with necessary modifications.

Where two or more municipalities concerned

(6) A union board shall submit with its estimates a statement as to the proportion of the estimates that is to be charged to each of the municipalities, and if the estimates of the board are approved or amended and approved by the councils of the municipalities representing more than one-half of the population of the area for which the board was established, they are binding on all the municipalities.

Audited financial statements

(7) A public library board, county library board or county library co-operative board shall submit its annual financial

statements, audited by a person appointed under section 88 of the *Municipal Act*, to the council annually on or before the date specified by the council.

R.S.O. 1980, c. 302

Idem: union board

(8) A union board shall submit its annual financial statements to each of the councils of the municipalities for which the board was established, and subsection (7) applies to the union board with necessary modifications.

Debentures for library purposes

25.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a public library board or union board for the purposes of acquiring land, for building, erecting or altering a building or for acquiring books and other things required for a newly established library may, on the application of the board, be raised by the issue of municipal debentures.

Application to council

(2) The board's application shall be made to the council or councils of the municipality or municipalities for which the board was established.

Council to deal with application

(3) The council or, if more than one, each of the councils, at the first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove it, and if a vote in any council results in a tie, the application shall be deemed to be disapproved by the council.

Issue of debentures

(4) If the council, or a majority of the councils where there are more than one, approves the application and the Ontario Municipal Board approves it, the council of the municipality or, if more than one, the council of the municipality that has the greatest population shall raise the sum required by the issue of debentures in the manner provided by the *Municipal Act*, or, if it so desires, the council of any municipality may raise its proportion of the sum required by the issue of its own debentures.

R.S.O. 1980, c. 302

Library estimates included in county estimates

26.—(1) The amount estimated by a county library board to meet its operating costs, as approved by the council, shall be included in the amount required by the county for general county purposes under subsection 164 (1) of the *Municipal Act*, and shall be apportioned among the municipalities forming part of the county for municipal purposes, unless not all those municipalities participate in the county library, in which case the county council shall by by-law apportion the amount estimated by the county library board among the participating municipalities.

R.S.O. 1980, c. 302

Accommodation may be provided by local municipality

(2) The council of one or more participating municipalities may, at the request of the county library board, rent accom-

modation to the board and may, subject to the approval of the Ontario Municipal Board, issue municipal debentures for the cost of constructing a building for the board's purposes, but the ownership of the building shall remain with the municipality unless the board and the council of the municipality agree otherwise.

Grant from council

27. The council of any municipality or county may make a grant in money, lands or buildings to a board.

Inspection of records

28.—(1) A person may, during ordinary business hours, inspect any records, books, accounts and documents in the possession or control of a board's secretary.

Exception

(2) Subsection (1) does not apply to information that,

(a) in the secretary's opinion, is of an intimate financial or personal nature; or

(b) identifies an individual user of library services by name or makes him or her readily identifiable by other means.

Contract for library services

29.—(1) The council of a municipality, a local service board, the council of an Indian band or the trustees of an improvement district may, instead of establishing or maintaining a public library, enter into a contract with a public library board, union board or county library board, or, where subsection 34 (2) applies, with the Ontario library service board that has jurisdiction, for the purpose of providing the residents of the municipality or local service board area or the members of the band, as the case may be, with library services, on the terms and conditions set out in the agreement.

Annual report to Minister

(2) The council, local service board, band council or trustees entering into a contract under subsection (1) shall make an annual financial report to the Minister and make any other reports required by this Act and the regulations or requested by the Minister.

Payments to boards

30.—(1) The Minister shall make a grant to every board out of legislative appropriations for library purposes, on the prescribed conditions.

Idem: where municipality, etc., has contract for library services

(2) The Minister shall make a grant out of legislative appropriations for library purposes to every municipality, local service board, Indian band or improvement district that has a contract for library services under subsection 29 (1), on the prescribed conditions.

Idem: library of regional municipality

(3) Where a regional municipality has established a public library board, the Minister shall make a grant to the board out of legislative appropriations for library purposes as if it were a board under this Part.

Idem: library of Indian band or local service board

(4) Where the council of an Indian band or a local service board has established a public library, the Minister shall make a grant to the Indian band or local service board out of legislative appropriations for library purposes as if it were a board under this Part.

PART II

ONTARIO LIBRARY SERVICE

Establishment, etc., of Ontario library service areas

31. The Minister may establish and locate Ontario library service areas throughout Ontario, may determine and may from time to time alter the boundaries of an Ontario library service area and may dissolve an Ontario library service area.

Regional library systems dissolved

32.—(1) Every regional library system established for a region under a predecessor of this Act that was being operated immediately before the day this Part comes into force is dissolved and,

(a) where the region lies entirely within the boundaries of an Ontario library service area, the assets and liabilities of the regional library system are vested in and assumed by the board of the Ontario library service area; or

(b) where two or more Ontario library service areas are established in the region, the assets and liabilities of the regional library system shall be apportioned among the boards of the Ontario library service areas as the Minister directs.

Fiscal year

(2) The fiscal year of an Ontario library service area begins on the 1st day of April in each year and ends on the 31st day of March in the following year.

Board

33.—(1) An Ontario library service area shall be under the jurisdiction of a board, which is a corporation known as "The (*insert name specified by the Minister*) Ontario Library Service Board".

Composition of board

(2) A board shall consist of,

(a) one member appointed by the public library board for every municipality within the Ontario library

service area that has a population of 15,000 or more;

(b) one member appointed by the county library board for every county within the Ontario library service area; and

(c) if the number of members appointed under clauses (a) and (b) is,

(i) less than nine, a number of additional members appointed by the Minister that brings the number of members to a total not exceeding nine, or

(ii) nine or more, a number of additional members appointed by the Minister that does not exceed one less than the number appointed under clauses (a) and (b).

First meeting, etc.

(3) The Minister or the Minister's delegate shall arrange for appointments to a board and shall call the first meeting of a board in a fiscal year.

Term of office

(4) A board member shall hold office until the last day of the fiscal year in which he or she is appointed, or until a successor is appointed, whichever is longer, and may be reappointed for one or more further terms.

Vacancies

(5) Where a vacancy arises in the membership of the board, the appointing public library board or county library board or the Minister, as the case may be, may appoint a person to fill the vacancy and to hold office for the unexpired term.

Objects of board

34.—(1) The objects of a board are to deliver programs and services on behalf of the Minister by,

(a) increasing co-operation and co-ordination among public library boards and other information providers in order to promote the provision of library services to the public; and

(b) assisting public library boards by providing them with services and programs that reflect their needs, including consultation, training and development services.

Direct library service in northern Ontario

(2) The board of an Ontario library service area designated by the Minister as a northern Ontario library service area may provide library services directly, whether under a contract

with the council of a municipality, a local service board, the council of an Indian band or the trustees of an improvement district in the Ontario library service area as described in subsection 29 (1) or otherwise.

Powers of board

35.—(1) A board has the powers necessary or convenient to achieve its objects and, without limiting the generality of the foregoing, may,

(a) subject to clause (2) (a), make by-laws and rules for the administration of its affairs;

(b) appoint any person by resolution to execute documents on behalf of the board and to affix the board's seal to them;

(c) appoint such committees as it considers expedient; and

(d) enter into agreements with public library boards, union library boards and county library boards.

Duties of board

(2) A board shall,

(a) conduct its affairs in accordance with the administrative policies and procedures determined by the Minister;

(b) fix the times and places for board meetings and the mode of calling them, and ensure that proper minutes are kept;

(c) make an annual report to the Minister and make any other reports requested by the Minister;

(d) make provision for insuring the board's real and personal property; and

(e) take proper security for the treasurer.

Estimates

36.—(1) In each fiscal year the board shall submit to the Minister, in the form and on or before the day specified by the Minister, estimates of all sums required during the year for the area's purposes.

Approval of estimates

(2) The amount of the board's estimates that is approved by the Minister shall be adopted by the board and shall be paid to the board out of legislative appropriations for library purposes in the amounts, at the times and on the terms and conditions that the Minister considers proper.

Financial reports, etc.

37. A board shall submit to the Minister,

(a) in each fiscal year, its audited financial statements and descriptions of its programs and activities; and

(b) such further information as the Minister requests from time to time.

Application of general provisions

38. Subsection 10 (1) and sections 13 to 18, except subsections 14 (1) and 16 (1), apply to a board with necessary modifications.

PART III

GENERAL

Regulations

39. The Lieutenant Governor in Council may make regulations,

(a) providing for the distribution of all moneys appropriated by the Legislature for library purposes;

(b) prescribing the conditions governing the payments of grants;

(c) respecting the establishment, organization, management, premises and rules of public libraries;

(d) prescribing circulating materials or classes of circulating materials for the purpose of clause 23 (2) (a) (free library services).

Special library service boards

40.—(1) The Minister may establish special library service boards to provide the resources and services that the Minister specifies and may make grants to special library service boards out of legislative appropriations for library purposes.

s. 37 applies

(2) Section 37 applies to a special library service board with necessary modifications.

Metropolitan Toronto Library Board

R.S.O. 1980, c. 314

(3) The Metropolitan Toronto Library Board, as continued by subsection 148 (1) of the *Municipality of Metropolitan Toronto Act*, shall be deemed to be a special library service board and may provide library resources and services to the Ontario library community.

Withholding grant on default of board

41. Where a board in any fiscal year fails to comply with this Act or the regulations, the Minister may withhold the whole or any part of the legislative grant that would otherwise be payable to the board for that year.

Dissolution by Minister

42.—(1) The Minister may dissolve a public library board, a union board, a county library board or a county library co-operative board where the board has not, during the two year period immediately preceding the dissolution, maintained and operated a library.

Idem

(2) The Minister may dissolve an Ontario library service board where the Ontario library service area under its jurisdiction has been dissolved.

Assets and liabilities of dissolved board

(3) Where a board is dissolved under subsection (1), its assets and liabilities are vested in and assumed by the municipality or county or, in the case of a union board, are distributed as the Minister directs among the municipalities for which the union board was established.

Idem

(4) Where a board is dissolved under subsection (2), its assets and liabilities are vested in and assumed by the Crown in right of Ontario.

Repeal

43. The *Public Libraries Act*, being chapter 414 of the Revised Statutes of Ontario, 1980, is repealed.

44. Subsection 148 (7) of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is amended by striking out "board of a regional library system" in the third line and inserting in lieu thereof "special library services board".

Commencement

45. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

46. The short title of this Act is the *Public Libraries Act, 1984*.

CHAPTER 58

An Act to amend the Workers' Compensation Act

Assented to December 14th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (1) (b) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(b) "accident fund" means the fund established by this Act for the payment of benefits under Schedule 1, the costs and expenses of the administration of this Act, and such other costs and expenses as are directed by or under this or any other Act to be paid out of the accident fund, including all expenses arising out of the establishment, maintenance and operation of mine rescue stations under the *Occupational Health and Safety Act*; R.S.O. 1980, c. 321

(ba) "Appeals Tribunal" means the Workers' Compensation Appeals Tribunal;

(bb) "average earnings" means the average earnings of a worker determined by the Board under section 43.

(2) Clause 1 (1) (d) of the said Act is repealed.

(3) Clauses 1 (1) (g) and (h) of the said Act are repealed.

(4) Clause 1 (1) (k) of the said Act is repealed and the following substituted therefor:

(k) "employer" includes every person having in the person's service under a contract of hiring or apprenticeship, written or oral, express or implied, any person engaged in any work in or about an industry and includes,

(i) the Crown in right of Ontario and any permanent board or commission appointed by the Crown in right of Ontario,

(ii) a trustee, receiver, liquidator, executor or administrator who carries on an industry,

(iii) a person who authorizes or permits a learner to be in or about an industry for the purpose mentioned in clause (q).

(5) Clauses 1 (1) (n) and (o) of the said Act are repealed and the following substituted therefor:

(n) "industrial disease" includes,

(i) a disease resulting from exposure to a substance relating to a particular process, a trade or occupation in an industry,

(ii) a disease peculiar to or characteristic of a particular industrial process, trade or occupation,

(iii) a medical condition that in the opinion of the Board requires a worker to be removed either temporarily or permanently from exposure to a substance because the condition may be a precursor to an industrial disease, or

(iv) any of the diseases mentioned in Schedule 3 or 4;

(o) "industry" includes an establishment, undertaking, trade, business or service and, where domestics are employed, includes a household.

(6) Clause 1 (1) (t) of the said Act is repealed and the following substituted therefor:

(t) "member of the family" means a spouse, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister, and includes a person who stood *in loco parentis* to the worker or to whom the worker stood *in loco parentis*, whether related to the worker by consanguinity or not so related.

(7) Subsection 1 (1) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 61, section 3, is further amended by adding thereto the following clause:

(xa) "spouse" means either of a man and woman who, at the time of death of the one who was the worker, were cohabiting and,

(i) were married to each other, or

(ii) not being married, had cohabited with each other immediately preceding the death,

(A) for a period of not less than five years, or

(B) in a relationship of some permanence, where there is a child born of whom they are the natural parents.

(8) Clause 1 (1) (z) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 61, section 3, is repealed and the following substituted therefor:

(z) "worker" includes a person who has entered into or is employed under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes,

(i) a learner,

(ii) a member of a municipal volunteer fire brigade or a municipal volunteer ambulance brigade,

(iii) a person deemed to be a worker of an employer by a direction or order of the Board,

(iv) a person summoned to assist in controlling or extinguishing a fire by an authority empowered to do so,

(v) a person who assists in any search and rescue operation at the request of and under the direction of a member of the Ontario Provincial Police Force,

(vi) a person who assists in connection with an emergency that has been declared to exist by the head of council of a municipality or the Premier of Ontario,

(vii) an auxiliary member of a police force,

but does not include an outworker, an executive officer of a corporation, or a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's industry.

(9) Subsection 1 (2) of the said Act is repealed and the following substituted therefor:

Deemed employer

(2) For the purpose of this Act,

(a) an authority who summons a person to assist in controlling or extinguishing a fire as mentioned in subclause (1) (z) (iv), shall be deemed to be the employer of the person;

(b) the Crown in right of Ontario shall be deemed to be the employer of a person who assists in any search and rescue operation as mentioned in subclause (1) (z) (v); and

(c) where the head of council of a municipality or the Premier of Ontario declares an emergency to exist as mentioned in subclause (1) (z) (vi), the municipality or the Crown in right of Ontario, as the case may be, shall be deemed to be the employer of the person,

and the earnings of the person shall be the earnings in the person's regular employment calculated in accordance with this Act or, if the person has no earnings, the earnings shall be fixed by the Board.

(10) Subsection 1 (4) of the said Act is amended by striking out "under section 44" in the thirteenth line and inserting in lieu thereof "determined by the Board" and by striking out "subsection 45 (1)" in the fourteenth and fifteenth lines and inserting in lieu thereof "section 41".

2. Section 2 of the said Act is repealed and the following substituted therefor:

Schedules

2. A reference in this Act to Schedule 1, 2, 3 or 4, is a reference to Schedule 1, 2, 3 or 4, as the case may be, in the regulations.

Seconded workers

2a. Where the services of a worker are temporarily lent or hired out to another person by the person with whom the worker has entered into a contract of service, the latter is deemed to continue to be the employer of the worker while the worker is working for the other person.

3. Section 3 of the said Act is repealed and the following substituted therefor:

Compensation to worker and dependants

3.—(1) Where in any employment, to which this Part applies, personal injury by accident arising out of and in the course of employment is caused to a worker, the worker and the worker's dependants are entitled to benefits in the manner and to the extent provided under this Act.

Wages for day of accident

(2) Where a worker is entitled to compensation for loss of earnings because of an accident, the employer shall pay to or on behalf of the worker the wages and benefits that the worker would have earned for the day or shift on which the injury occurred as though the injury had not occurred.

Presumptions

(3) Where the accident arose out of the employment, unless the contrary is shown, it shall be presumed that it occurred in the course of the employment and, where the accident occurred in the course of the employment unless the contrary is shown, it shall be presumed that it arose out of the employment.

Decisions to favour claimant

(4) In determining any claim under this Act, the decision shall be made in accordance with the real merits and justice of the case and where it is not practicable to determine an issue because the evidence for or against the issue is approximately equal in weight, the issue shall be resolved in favour of the claimant.

Payment under subs. (2)

(5) Where the worker has not been paid the wages and benefits prescribed by subsection (2), the Board shall pay to or on behalf of the worker the wages and benefits prescribed by subsection (2).

Idem

(6) Every employer who makes default in paying the wages and benefits prescribed by subsection (2) shall, in addition to any other penalty or liability, pay to the Board a sum equal to the amount of such wages and benefits and payment of such amount may be enforced in the same manner as the payment of an assessment may be enforced.

Serious and wilful misconduct

(7) Where an injury is attributable solely to the serious and wilful misconduct of the worker, no benefits or compensation are payable unless the injury results in death or serious disability.

4. Section 5, subsections 6 (8) and 9 (2), sections 20, 33, 52, 82 and 115 and subsections 121 (1) and 122 (11) of the said Act are amended by striking out "medical aid" wherever that expression occurs and inserting in lieu thereof in each instance "health care".

5.—(1) Subsection 8 (1) of the said Act is amended by inserting after "employer" in the fourth line "or an executive officer or director thereof".

(2) Subsection 8 (9) of the said Act is amended by inserting after "Schedule 1" in the fourth line "or any executive officer or any director".

(3) Subsections 8 (11) and (12) of the said Act are repealed and the following substituted therefor:

Damages

(11) In any action brought by a worker of an employer in Schedule 1 or dependant of such worker in any case within subsection (1) or maintained by the Board under subsection (4) and one or more of the persons found to be at fault or negligent is the employer of the worker in Schedule 1 or an executive officer or director thereof, or any other employer in Schedule 1, or an executive officer or director thereof, or any worker of any employer in Schedule 1, no damages, contribution or indemnity are recoverable for the portion of the loss or damage caused by the fault or negligence of such employer of the worker in Schedule 1 or an executive officer or director thereof, or of any other employer in Schedule 1 or executive officer or director thereof, or of any worker of any employer in Schedule 1, and the portion of the loss or damage so caused by the fault or negligence of such employer of the worker in Schedule 1 or an executive officer or director thereof, or of any other employer in Schedule 1 or an executive officer or director thereof, or of the worker of any employer in Schedule 1, shall be determined although such employer or executive officer or director or worker is not a party to the action.

Idem

(12) In any action brought by a worker of an employer in Schedule 2 or dependant of such worker in any case within subsection (1) or maintained by the employer of the worker under subsection (4) and one or more of the persons found to be at fault or negligent is the employer of the worker in Schedule 2 or an executive officer or director thereof, no damages, contribution or indemnity are recoverable for the

portion of the loss or damage caused by the fault or negligence of such employer or executive officer or director and the portion of the loss or damage so caused by the fault or negligence of such employer or executive officer or director shall be determined although such employer or executive officer or director is not a party to the action.

6. Section 14 of the said Act is amended by inserting after "worker" in the fourth line "or any executive officer thereof".

7. Section 15 of the said Act is repealed and the following substituted therefor:

Determination of right to bring action

15. Any party to an action may apply to the Appeals Tribunal for adjudication and determination of the question of the plaintiff's right to compensation under this Part, or as to whether the action is one the right to bring which is taken away by this Part, or whether the action is one in which the right to recover damages, contribution, or indemnity is limited by this Part, and such adjudication and determination is final and conclusive.

8. Sections 21 and 22 of the said Act are repealed and the following substituted therefor:

Medical examination

21.—(1) Subject to subsection (2), where an employer so requires, a worker who has made a claim for compensation or to whom compensation is payable under this Act shall submit to a medical examination by a medical practitioner selected, and paid for, by the employer.

Appeal

(2) Where a worker objects to the requirement of the employer to submit to a medical examination or to the nature and extent of the medical examination, being conducted by a medical practitioner the worker or the employer may, within a period of fourteen days of the objection having been made, apply to the Appeals Tribunal to hear and determine the matter and the Appeals Tribunal may set aside the requirement or order the worker to submit to and undergo a medical examination by a medical practitioner or make such further or other order as may be just.

9. Section 36 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 38, sections 1 and 2, is repealed and the following substituted therefor:

Compensation in case of death

36.—(1) Where death results from an injury to a worker, a spouse who survives the worker shall be entitled to,

(a) compensation payable by way of a lump sum of $40,000 increased by the addition of $1,000 for each year of age of the spouse under forty years at the time of the worker's death or reduced by the subtraction of $1,000 for each year of age of the spouse over forty years at the time of the workers' death, but in no case shall a spouse receive a lump sum payment of more than $60,000 or less than $20,000;

(b) compensation by way of periodic payments in the manner and to the extent provided in this section; and

(c) the same counselling and vocational assistance as would be provided to a worker under section 54.

Spouse with children

(2) Where a deceased worker is survived by a spouse and one or more children, compensation in an amount equal to 90 per cent of the deceased worker's net average earnings at the time of injury shall be payable to the spouse until the youngest child reaches the age of nineteen.

Spouse, no children

(3) Where the deceased worker is survived by a spouse and no child or children, the spouse shall be entitled to a periodic payment of 40 per cent of the net average earnings of the deceased worker adjusted by the addition of 1 per cent of the net average earnings for each year of age of the spouse over forty years at the time of the worker's death or by the subtraction of 1 per cent of the net average earnings for each year of age of the spouse under forty years at the time of the worker's death, but in no case shall the spouse receive a periodic payment of more than 60 per cent or less than 20 per cent of net average earnings of the deceased worker.

Dependent children, no spouse

(4) Where there is no spouse entitled to compensation or the spouse dies and the deceased worker,

(a) is survived by only one dependent child, the dependent child is entitled to compensation equal to 30 per cent of the net average earnings of the deceased worker at the time of injury; or

(b) is survived by more than one dependent child, the dependent children are entitled as a class to compensation equal to 30 per cent of the net average earnings of the deceased worker at the time of the injury, plus an additional amount of 10 per cent of the net average earnings of the deceased worker at the time of injury for each additional dependent

child over one to a maximum of 90 per cent of the net average earnings.

Idem

(5) Where, at the time of the death of the worker, there is no spouse entitled to receive a lump sum payment under clause (1) (a), the worker's dependent child or children shall be entitled to receive in aggregate a total lump sum payment of $40,000 in addition to the compensation payable under subsection (4).

Dependants, no spouse or children

(6) Where a deceased worker is not survived by a spouse or by a dependent child or children and there are dependants, the dependants are entitled to reasonable compensation proportionate to the loss occasioned to the dependants by the death as determined by the Board, but in no case shall the total compensation exceed 50 per cent of the net average earnings of the deceased worker at the time of injury, and the compensation shall be payable only so long as the worker could have been reasonably expected to continue to support the dependant or dependants as if the deceased worker had not suffered injury.

Burial expenses

(7) Payment shall be made for the necessary expenses of burial or cremation of a deceased worker, as determined by the Board, which amount shall not be less than $1,500, and, where owing to the circumstances of the case the body of a worker is transported for a considerable distance for burial or cremation, a further sum, as determined by the Board, shall be paid for the necessary extra expenses so incurred.

Recalculation of spousal periodic payments

(8) Subject to subsection (9), where compensation has been paid under subsection (2) and no child is under the age of nineteen years, the spouse shall be entitled to payment of compensation under subsection (3) as if the worker had died on the day after the day the youngest child then living reached the age of nineteen years.

Education of children

(9) Where the Board is satisfied that it is advisable for a child or children over the age of nineteen to continue education, the Board shall pay in respect of each such child 10 per cent of the net average earnings of the worker at the time of the injury but the total benefit in respect of the spouse and such children shall not exceed 90 per cent of the net average earnings of the worker at the time of the injury.

When child payments cease

(10) Subject to subsections (8), (9) and (12), a monthly payment in respect of a child shall cease when the child attains the age of nineteen years or when the Board is satisfied that it is not advisable for a child over the age of nineteen to continue receiving an education.

Person *in loco parentis*

(11) Where a child or children is or are entitled to compensation under this section and is or are being maintained by a suitable person who is acting *in loco parentis* in a manner the Board considers satisfactory, such person while so doing is entitled to receive the same periodic payments of compensation for himself or herself and the child or children as if the person were a spouse of the deceased and in such case the child's or children's part of such payments shall be in lieu of the periodic payments that the child or children would otherwise be entitled to receive and, where there is more than one child and more than one person acting *in loco parentis*, the Board may in its discretion apportion the payments under this section accordingly and, where this subsection applies, the maximum amount payable under this section shall not exceed 90 per cent of the net average earnings of the deceased worker at the time of injury.

Invalid child

(12) Compensation is payable to an invalid child without regard to the age of the child and shall continue until the child ceases to be an invalid or dies.

Deduction for C.P.P.

(13) In calculating the average earnings of a deceased worker for the purposes of paying compensation by way of periodic payments under this section, there shall be deducted from such earnings any payments received by way of any survivor's benefit under the Canada Pension Plan.

Separated spouse

(14) A person who ceased to be a spouse by reason of living separate and apart from the deceased worker at the time of the worker's death is entitled to compensation under this section as a spouse where the worker was or would have been required had the worker not died to make support, maintenance or alimony payments under a separation agreement or judicial order.

Idem

(15) Where there is more than one person entitled to receive periodic or lump sum payments under this section as a spouse and the periodic payments to those persons as provided in this section would in total exceed 90 per cent of the net average earnings of the deceased worker at the time of injury and, or, the lump sum payments to these persons as provided in this section would in total exceed $60,000, the total periodic payments shall be limited to 90 per cent of the net average earnings and the total lump sum payments shall be limited to $60,000 and the Board shall apportion payments that are so limited between those entitled in accordance with,

(a) the relative degrees of financial and emotional dependance on the deceased at the time of death;

(b) the period of separation, if any, from the deceased at the time of death; and

(c) the size of the relative entitlements to those so entitled without reference to this subsection.

10. Sections 37 and 38 of the said Act are repealed.

11. Sections 39, 40 and 41, section 42, as amended by the Statutes of Ontario, 1981, chapter 30, section 3, 1982, chapter 61, section 6 and 1983, chapter 45, section 3, section 43, as amended by the Statutes of Ontario, 1984, chapter 38, section 3, section 44, as re-enacted by the Statutes of Ontario, 1984, chapter 38, section 4, and section 45, as amended by the Statutes of Ontario, 1984, chapter 38, section 5, of the said Act are repealed and the following substituted therefor:

When compensation payable

39. Compensation for disability shall be computed and payable from and including the day following the day of the accident or from the date of the disability, whichever is the later.

Temporary total disability

40.—(1) Where injury to a worker results in temporary total disability, the worker is entitled to compensation under this Act in an amount equal to 90 per cent of the worker's net average earnings before the injury so long as temporary total disability continues.

Temporary partial disability

(2) Where temporary partial disability results from the injury, the compensation payable shall be,

(a) where the worker returns to employment, a weekly payment of 90 per cent of the difference between the net average weekly earnings of the worker before the injury and a net average amount that the worker is able to earn in some suitable employment or business after the injury; or

(b) where the worker does not return to work, a weekly payment in the same amount as would be payable if the worker were temporarily totally disabled, unless the worker,

(i) fails to co-operate in or is not available for a medical or vocational rehabilitation program which would, in the Board's opinion, aid in getting the worker back to work, or

(ii) fails to accept or is not available for employment which is available and which in the opin-

ion of the Board is suitable for the worker's capabilities.

Idem

(3) In determining the amount to be paid under clause (2) (b), the Board shall have regard to any payments the worker receives under the Canada Pension Plan, and where subclause (2) (b) (i) or (ii) applies, the compensation shall be a periodic amount proportionate to the degree of earnings impairment resulting from the injury as determined by the Board and subsection 45 (4) applies.

Maximum earnings

41. For the purposes of this Act, the maximum amount of average earnings upon which the loss of earnings is to be calculated shall be at the rate of $31,500 per annum.

Minimum compensation

42.—(1) The minimum amount of compensation payable for temporary total disability shall be,

(a) $10,500 per annum where the net average earnings of the worker at the time of the accident are equal to or exceed $10,500 per annum; or

(b) the net average earnings of the worker at the time of the accident where the net average earnings are less than $10,500 per annum.

Idem

(2) The minimum amount of compensation payable for temporary partial disability shall be a proportionate amount of the minimum compensation payable under subsection (1) in accordance with the impairment of earning capacity.

Idem

(3) The minimum amount of compensation payable for permanent disability shall be computed in accordance with sections 41 and 45, but the amount of such compensation shall not be less than,

(a) for permanent total disability in one claim, $10,500 per annum; and

(b) for permanent partial disability, an amount proportionate to that mentioned in clause (a) in accordance with the impairment of earning capacity.

Idem

(4) The minimum amount of compensation to which a spouse and child or children of a deceased worker are entitled under subsection 36 (2) shall be $10,500 per annum.

Idem

(5) The minimum amount of compensation to which a spouse of a deceased worker is entitled under subsection

36 (3) shall be $10,500 per annum multiplied by the percentage prescribed therein.

Idem

(6) The minimum amount of compensation to which a child or children of a deceased worker is or are entitled under subsection 36 (4) shall be $10,500 per annum multiplied by the percentage prescribed therein.

Average earnings

43.—(1) In determining the average earnings of a worker, the Board shall,

(a) calculate the daily or hourly rate of the worker's earnings with the employer for whom the worker worked at the time of accident as is best calculated to give the rate per week at which the worker was remunerated at the time of the accident;

(b) if the calculation under clause (a) does not fairly represent the average earnings of the worker, upon application, the Board shall determine the worker's average earnings with the employer for whom the worker worked at the time of the accident during the twelve months or such lesser period immediately preceding the accident when the worker was employed with the employer.

Idem

(2) Where owing to the shortness of the time during which the worker was in the employment of the employer or the casual nature of the employment or where it is impractical to calculate the average earnings at the time of the accident, regard may be had to the average earnings that during the twelve months prior to the accident was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, then by a person in the same grade employed in the same class of employment in the same locality.

Idem

(3) Where the worker has entered into concurrent contracts of service with two or more employers under which the worker worked at one time for one of them and at another time for another of them, the worker's average earnings shall be calculated on the basis of what the worker probably would have been earning if the worker had been employed solely in the employment of the employer for whom the worker was working at the time of the accident.

Interpretation

(4) For the purposes of subsection (2), "employed at the same work by the same employer" means employment by the same employer in the grade in which the worker was

employed at the time of the accident uninterrupted by absence from work due to illness or any other unavoidable cause.

Special expenses

(5) Where the employer was accustomed to paying the worker a sum to cover any special expenses entailed on the worker by the nature of the employment, that sum shall not be reckoned as part of the worker's earnings.

Learners

(6) Where a worker is an apprentice or in the course of learning a trade, occupation, profession or calling and the worker's remuneration is of a nominal nature, the Board may for the purposes of this Act determine the worker's average earnings at the time of the accident at an amount it considers fair and equitable having regard to the average earnings of a fully qualified person engaged in the same trade, occupation, profession or calling, and the employer of the worker is liable to pay its assessment to the Board on the earnings so determined.

Further benefits

(7) Where a worker, who has become entitled to benefits under this Act and has returned to employment, becomes entitled to payment for temporary disability by reason of any matter arising out of the original accident, the compensation payable for such temporary disability shall be paid on either the average earnings at the date of the accident or the average earnings at the date of the most recent employment of the worker, calculated in accordance with this Act, whichever is the greater.

Net average earnings

44.—(1) The net average earnings of a worker shall be determined by the Board by deducting from the earnings of a worker,

(a) the probable income tax payable by the worker on the worker's earnings;

(b) the probable Canada Pension Plan premiums payable by the worker; and

(c) the probable unemployment insurance premiums payable by the worker.

Idem

(2) The Board shall on the 1st day of January in each year establish a schedule setting forth a table of net average earnings based upon the provisions of this section and such schedule shall be deemed conclusive and final.

Permanent disability

45.—(1) Where permanent disability results from the injury, the impairment of earning capacity of the worker shall be estimated from the nature and degree of the injury, and the

compensation shall be a weekly or other periodic payment during the lifetime of the worker, or such other period as the Board may fix, of a sum proportionate to such impairment not exceeding in any case the like proportion of 90 per cent of the worker's net average earnings.

Idem

(2) Compensation for permanent disability is payable whether or not an award is made for temporary disability.

Idem

(3) The Board may compile a rating schedule of percentages of impairment of earning capacity for specified injuries or mutilations that may be used as a guide in determining the compensation payable in permanent disability cases.

Lump sum

(4) Where the impairment of the earning capacity of the worker does not exceed 10 per cent of the worker's earning capacity and the worker does not elect to receive compensation by a weekly or other periodic payment, the Board shall, unless the Board decides that it would not be to the advantage of the worker to do so, direct that such lump sum as may be considered to be the equivalent of the periodic payment shall be paid to the worker.

Supplement

(5) Notwithstanding subsection (1), where the impairment of the earning capacity of the worker is significantly greater than is usual for the nature and degree of the injury, the Board may supplement the amount awarded for permanent partial disability for such period as the Board may fix unless the worker,

(a) fails to co-operate in or is not available for a medical or vocational rehabilitation program which would, in the Board's opinion, aid in getting the worker back to work; or

(b) fails to accept or is not available for employment which is available and which in the opinion of the Board is suitable for the worker's capabilities.

Idem

(6) In calculating the amount of the supplement under subsection (5), the Board shall have regard to the difference between the net average earnings of the worker before the accident and the net average earnings after the accident and the compensation shall be a weekly or other periodic payment of 90 per cent of the difference but the sum total of such supplement and the award under subsection (1) shall not exceed the like proportion of 90 per cent of the worker's pre-accident net average earnings and the Board shall have regard to the effect of inflation on the pre-accident earnings rate and to any payments the worker receives under the Canada Pension Plan.

Older workers

(7) Notwithstanding subsections (1) and (5), where the impairment of earnings capacity for an older worker is significantly greater than is usual for the nature and degree of the worker's injury and, where in the opinion of the Board, the worker can not return to work and is unlikely to benefit from a vocational rehabilitation program which would lead to employment, the Board may supplement the amount awarded for permanent partial disability with an amount not exceeding the old age security benefits that would be payable under section 3 of the *Old Age Security Act* (Canada), and amendments thereto, as if the worker were eligible therefor, and such supplement may continue until the worker is eligible for such old age security benefits or until the worker returns to employment.

R.S.C. 1970, c. O-6

Idem

(8) A supplement awarded under subsection (7) shall be a weekly or other periodic payment and the total sum of such supplement and the award under subsection (1) shall not exceed the like proportion of 90 per cent of the worker's pre-accident net average earnings and, in calculating the amount of the supplement, the Board shall have regard to the effect of inflation on the pre-accident earnings rate and to any payments the worker receives under the Canada Pension Plan.

Effect of C.P.P.

(9) Notwithstanding subsection 40 (3) or subsection (6) or (8) of this section, the fact that a worker is receiving payments under the Canada Pension Plan shall not be a bar to receiving payments under clause 40 (2) (b) or subsection (5) or (7) of this section and the Board in having regard to payments received by a worker under the Canada Pension Plan shall have regard only to those payments received by the worker with respect to a disability arising from the injury.

Permanent disfigurement

(10) Notwithstanding subsection (1), where the worker is seriously and permanently disfigured about the face or head, the Board may allow a lump sum in compensation therefor.

Dependants

(11) Where, at the time of a worker's death, the worker was in receipt of an award for permanent disability which the Board has rated at 100 per cent or, but for the death, would have been in receipt of an award for permanent disability at the rate of 100 per cent, a dependant of the worker is entitled to compensation from the time of the worker's death as if the death of the worker had resulted from the compensable disability for which the worker received or would have received the permanent disability award.

Interpretation

(12) For the purposes of this section, "permanent disability" means any physical or functional abnormality or loss, and

any psychological damage arising from such abnormality or loss, after maximal medical rehabilitation has been achieved.

12. Section 49 of the said Act is repealed.

13. Section 50 of the said Act is repealed and the following substituted therefor:

Family support

50.—(1) Where a worker is entitled to compensation and the worker's spouse or the worker's child or children under the age of nineteen is or are entitled to support or maintenance under the order of a court that in the opinion of the Board is enforceable in Ontario, the Board shall divert the compensation in accordance with the court order to the extent that there is default made under the order after this section comes into force.

Interpretation

R.S.O. 1980, c. 152

(2) In this section, "spouse" means a spouse as defined in Part II of the *Family Law Reform Act*.

14. Subsection 55 (2) of the said Act is repealed and the following substituted therefor:

R.S.O. 1980, c. 95 not to apply

(2) The *Corporations Act* does not apply to the corporation and, subject to the provisions of this Act, the corporation shall have the capacity and powers of a natural person.

15.—(1) Sections 56, 57 and 58 of the said Act are repealed and the following substituted therefor:

Board of directors

56.—(1) There shall be constituted for the management and government of the corporation and for the exercise of the powers and performance of the duties of the Board under this or any other Act a board of directors the members of which shall be appointed by the Lieutenant Governor in Council and which shall consist of a full-time chairman, full-time vice-chairman of administration and not less than five and not more than nine part-time members who shall be representative of employers, workers, professional persons and the public.

Ex officio member

(2) The chairman of the Appeals Tribunal shall be a member *ex officio* of the board of directors but shall not vote on any matter.

(2) The terms of office of the commissioners of the Workers' Compensation Board, except the chairman and the vice-chairman of administration, in office immediately before the coming into force of this section are terminated.

16. Section 59 of the said Act is amended by striking out "commissioners" in the first and second lines and inserting in lieu thereof "directors".

17. Sections 60, 61 and 62 of the said Act are repealed.

18. Subsections 63 (3) and (4) of the said Act are repealed.

19. Section 64 of the said Act is repealed and the following substituted therefor:

Where vice-chairman of administration may act

64.—(1) In the absence of the chairman from Ontario, the chairman's inability to act, or where the office of chairman is vacant, the chairman's duties shall be performed by the vice-chairman of administration.

Presumption where vice-chairman acts

(2) Wherever it appears that the vice-chairman acted for and instead of the chairman, it shall be conclusively presumed that the vice-chairman has so acted in the absence, disability or vacancy in the office of the chairman.

20.—(1) Subsection 65 (1) of the said Act is amended by striking out "A commissioner" in the first line and inserting in lieu thereof "The chairman, the vice-chairman of administration and the chairman of the Appeals Tribunal".

(2) Subsection 65 (2) of the said Act is amended by striking out "a commissioner" in the third line and inserting in lieu thereof "the chairman, the vice-chairman of administration or the chairman of the Appeals Tribunal".

21. Section 66 of the said Act is repealed.

22. Subsection 67 (2) of the said Act is repealed and the following substituted therefor:

Place of meeting

(2) The board of directors may meet or hold meetings in any place in Ontario as is considered convenient.

23. Subsection 68 (2) of the said Act is amended by striking out "commissioner" in the second line and inserting in lieu thereof "director".

24.—(1) Subsection 71 (2) of the said Act is repealed and the following substituted therefor:

Quorum

(2) A majority of the members of the board of directors for the time being, one of whom must be the chairman or vice-chairman of administration, constitutes a quorum for the

transaction of business at meetings of the Board and a decision of a majority is the decision of the board of directors.

(2) Clause 71 (3) (g) of the said Act is amended by striking out "and" at the end thereof.

(3) Clause 71 (3) (h) of the said Act is repealed and the following substituted therefor:

(h) enter into agreements with the government of Canada or any province or territory in Canada, or the appropriate authority thereof, providing for co-operation in matters relating to compensation for or rehabilitation of workers disabled by injuries arising out of and in the course of employment;

(i) subject to the approval of the Lieutenant Governor in Council enter into agreements with any state, government or authority outside Canada providing for co-operation in matters relating to compensation for or rehabilitation of workers disabled by injuries arising out of and in the course of employment; and

(j) undertake and carry on such investigations, research and training and make grants to individuals, institutions and organizations for investigations, research and training in such amounts and upon such terms and conditions as the Board considers acceptable.

(4) Section 71 of the said Act is amended by adding thereto the following subsection:

Delegation

(4) The board of directors may delegate in writing any of the Board's powers or duties, subject to such limitations, conditions and requirements as are set out in the delegation, to any director, officer or employee of the Board who may act in the place and stead of the board of directors and when a delegate acts in the place and stead of the board of directors, it shall be presumed conclusively that the delegate acted in accordance with the delegation.

25. Subsection 72 (1) of the said Act is repealed and the following substituted therefor:

Powers of chairman

(1) In accordance with personnel policies approved from time to time by the board of directors of the Board, the chairman, subject to such guidelines as may be established by the Management Board of Cabinet and subject to the provisions of the *Crown Employees Collective Bargaining Act*, may establish job classifications, personnel qualifications and

R.S.O. 1980, c. 108

ranges for remuneration and benefits for consultants, actuaries, accountants, experts, officers and employees of the Board, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and ranges for remuneration and benefits established by the chairman.

26.—(1) Subsection 74 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 61, section 12, is amended by striking out "an employee or commissioner" in the third and fourth lines and inserting in lieu thereof "a full-time member of the board of directors or an employee of the Board".

(2) Clause 74 (2) (a) of the said Act is amended by striking out "commissioners" in the second line and inserting in lieu thereof "full-time members of the board of directors".

(3) Subsection 74 (6) of the said Act is amended by striking out "commissioner" in the first line and inserting in lieu thereof "full-time member of the board of directors".

27.—(1) Subsection 75 (1) of the said Act is amended by adding at the commencement thereof "Except as provided by this Act".

(2) Subsection 75 (2) of the said Act is amended by adding thereto the following clauses:

(l) the net average earnings of a worker;

(m) whether a person is a spouse or child.

(3) Section 75 of the said Act is amended by adding thereto the following subsections:

Medical examination

(3) A worker who has made a claim for compensation or to whom compensation is payable under this Act shall, if requested by the Board, submit to a medical examination by a medical practitioner named by the Board.

Failure to be examined

(4) If a worker contravenes subsection (3) or in any way obstructs an examination without reasonable cause or excuse, the worker's right to compensation or to a decision by the Board may be suspended by the Board until the examination has taken place.

28. Sections 77 and 78 of the said Act are repealed and the following substituted therefor:

Access to records by worker

77.—(1) Subject to subsection (2), where there is an issue in dispute, upon request, the Board shall give a worker, or if deceased, the persons who may be entitled to benefits under section 36, full access to and copies of the Board's file and records respecting the claim and the Board shall provide like access and copies to a representative of the worker upon presentation of a written authorization for that purpose signed by the worker, or if deceased, signed by a person who may be entitled to benefits under section 36.

Medical information

(2) Where the file or a record respecting the claim, in the opinion of the Board, contains medical or other information that would be harmful to the worker, if given to the worker, the Board shall provide copies of such medical information to the worker's treating physician instead of the worker or the worker's representative and advise the worker or the representative that it has done so.

Access to records by employer

(3) Where there is an issue in dispute, upon request, the Board shall grant the employer access to copies of only those records of the Board that the Board considers to be relevant to the issue or issues in dispute and the Board shall provide like access and copies to a representative of the employer upon presentation of written authorization for that purpose signed by the employer.

Idem

(4) Where the employer or the employer's representative is given access to and copies of records referred to in subsection (3), the worker or worker's representative shall be informed of the access to and copies of records so given.

Idem

(5) Before granting access to the employer to medical reports and opinions under subsection (3), the Board shall notify the worker or claimant for compensation of the medical reports or opinions it considers relevant and permit written objections to be made within such time as may be specified in the notice before granting access to the employer and, after considering the objections, the Board may refuse access to the reports and opinions or may permit access thereto with or without conditions.

Appeal

(6) A worker, employer or party of record may appeal a decision of the Board made under this section within twenty-one days of the mailing of the Board's decision and no access to or copies of the Board's records shall be provided until the expiry of the twenty-one day period or until the Appeals Tribunal gives its decision, whichever is later.

Information confidential

(7) No employer or employer's representative who obtains access to copies of any of the records of the Board shall dis-

close any medical information obtained therefrom except in a form calculated to prevent the information from being identified with a particular worker or case.

Offence

(8) Every employer and employer's representative who contravenes subsection (7) is guilty of an offence.

29.—(1) Section 79 of the said Act is amended by striking out "appeals" in the second line.

(2) Section 79 of the said Act is further amended by adding thereto the following subsection:

Decisions to be communicated

(2) Every decision of the Board and the reasons therefor shall be communicated promptly in writing to the parties of record.

30. Clause 81 (c) of the said Act is amended by inserting after "worker" in the first line "spouse, child or".

31.—(1) Subsection 83 (1) of the said Act is amended by striking out "commissioner of the Board, or any other commissioner" in the first and second lines and inserting in lieu thereof "member of the board of directors".

(2) Subsection 83 (2) of the said Act is amended by striking out "commissioner thereof or any other commissioner" in the first and second lines and inserting in lieu thereof "member of the board of directors".

(3) Subsection 83 (3) of the said Act is amended by striking out "commissioner thereof or any other commissioner" in the second line and inserting in lieu thereof "member of the board of directors".

(4) Subsection 83 (4) of the said Act is amended by striking out "commissioner thereof or any other commissioner" in the third and fourth lines and inserting in lieu thereof "member of the board of directors".

32. The said Act is amended by adding thereto the following sections:

Appeals Tribunal established

86a. There is hereby constituted a tribunal to be known as the "Workers' Compensation Appeals Tribunal".

Composition of Appeals Tribunal

86b.—(1) The Lieutenant Governor in Council shall appoint a chairman of the Appeals Tribunal, one or more vice-chairmen of the Appeals Tribunal and as many members of the Appeals Tribunal, equal in number, representative of

employers and workers, respectively, as is considered appropriate.

Remuneration

(2) The remuneration, benefits and allowances of the members of the Appeals Tribunal shall be determined by the Lieutenant Governor in Council.

Officers and employees R.S.O. 1980, c. 180

(3) The chairman of the Appeals Tribunal, subject to such guidelines as may be established by the Management Board of Cabinet and subject to the provisions of the *Crown Employees Collective Bargaining Act*, may establish job classifications, personnel qualifications and ranges for remuneration and benefits for officers and employees of the Appeals Tribunal, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and ranges for remuneration and benefits so established by the chairman.

Superannuation

(4) For the purposes of section 74 only, every full-time member of the Appeals Tribunal and every person appointed under subsection (3) to full-time employment shall be deemed to be an employee of the Board.

Recovery of costs and expenses

(5) The costs and expenses associated with the administration of the Appeals Tribunal, including the remuneration and expenses of its members, officers and employees, shall form part of the administration expenses of the Board.

Chairman

86c.—(1) The chairman of the Appeals Tribunal is its chief executive officer and shall preside at its meetings and upon all panels of the Appeals Tribunal of which the chairman is a member.

When vice-chairman may act

(2) In the absence from Ontario of the chairman, the chairman's inability to act or where the office is vacant, the chairman's duties shall be performed by a vice-chairman designated to act by the chairman or, where the chairman has failed so to designate, by a vice-chairman designated to act by the Minister of Labour.

Presumption where vice-chairman acts

(3) Whenever it appears that a vice-chairman has acted for and instead of the chairman, it shall be presumed that the vice-chairman has so acted in the absence or disability of the chairman or because of a vacancy in the office of the chairman.

Quorum

86d.—(1) A quorum shall consist of the chairman of the Appeals Tribunal or a vice-chairman of the Appeals Tribunal designated by the chairman to act in place of the chairman and not less than two members of the Appeals Tribunal to be

equal in number and representative of employers and workers.

Idem

(2) A quorum may exercise all the jurisdiction and powers of the Appeals Tribunal.

Deciding vote

(3) The decision of the majority of the quorum present and constituting the Appeals Tribunal is the decision thereof, but, if there is no majority vote, the decision of the chairman or the vice-chairman governs.

Panels

86e.—(1) The chairman of the Appeals Tribunal may establish panels of the Appeals Tribunal and a panel has all the jurisdiction and powers of the Appeals Tribunal.

Composition

(2) A panel of the Appeals Tribunal shall consist of three members as follows:

1. The chairman or a vice-chairman of the Appeals Tribunal.

2. One member of the Appeals Tribunal representative of employers.

3. One member of the Appeals Tribunal representative of workers.

Deciding vote

(3) The decision of the majority of a panel consisting of three persons is the decision of the Appeals Tribunal.

Effect of resignation, expiry of term

86f. Where the chairman, a vice-chairman or other member of the Appeals Tribunal resigns or the term of office expires, the person may carry out and complete any duties or responsibilities that the person would have had if the person had not resigned or the person's term had not expired in respect of any application, proceeding or matter in which the person participated.

Jurisdiction

86g.—(1) Subject to section 86n, the Appeals Tribunal has exclusive jurisdiction to hear, determine and dispose of,

(a) any matter or issue expressly conferred upon it by this Act;

(b) all appeals from decisions, orders or rulings of the Board respecting the provision of health care, vocational rehabilitation or entitlement to compensation or benefits under this Act; and

(c) all appeals respecting assessments, penalties or the transfer of costs,

and subsection 75 (2) applies with necessary modifications where a matter referred to in that subsection is raised in an appeal.

Idem

(2) The Appeals Tribunal shall not hear, determine or dispose of an appeal from a decision, order or ruling of the Board unless the procedures established by the Board for consideration of issues respecting the matters mentioned in clause (1) (b) or (c) have been exhausted, and the Board has made a final decision, order or ruling thereon.

Idem

(3) The Appeals Tribunal may make any order or direction that may be made by the Board and the order or direction of the Appeals Tribunal or a panel thereof is final and conclusive and not open to question or review in any court upon any grounds and no proceedings by or before the Appeals Tribunal or a panel thereof shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by application for judicial review, or otherwise, into any court.

Panel of medical practitioners

86h.—(1) The Lieutenant Governor in Council, after requesting and considering the views of representatives of employers, workers and physicians, shall appoint qualified medical practitioners, other than practitioners appointed under subsection 72 (1) or 86b (3), to a list and the Appeals Tribunal may obtain the assistance of one or more of them in such way and at such time or times as it thinks fit so as to better enable it to determine any matter of fact in question in any application, appeal or proceeding.

Remuneration

(2) The chairman of the Appeals Tribunal may fix the remuneration of a medical practitioner who provides assistance to the Appeals Tribunal under this section and the remuneration shall be part of the administrative expenses of the Board.

Limitations

(3) A medical practitioner shall not be asked, except with the written consent of the parties of record, to assist the Appeals Tribunal in any application, appeal or proceeding where the practitioner,

(a) has examined the worker whose claim is the subject-matter of the application, appeal or proceeding;

(b) has treated the worker or a member of the family of the worker;

(c) has acted as a consultant in the treatment of the worker or as a consultant to the employer; or

(d) is a partner of a practitioner mentioned in clause (a), (b) or (c).

Pre-hearing inquiry

(4) The Appeals Tribunal has power to authorize the chairman or a vice-chairman to inquire into applications by way of appeal under clause 86g (1) (b) to determine whether an issue involves a decision of the Board upon a medical report or opinion and, if such is the case, the person making the inquiry may, before the appeal is heard by the Appeals Tribunal, require that the worker submit to an examination by one or more medical practitioners appointed under subsection (1) who shall report, in writing, to the Appeals Tribunal thereon.

Copies of report

(5) The Appeals Tribunal shall, upon receiving the report of the medical practitioner or practitioners, send a copy thereof to the parties to the appeal for the purpose of receiving their submissions thereon.

Powers not affected

(6) Nothing in subsection (4) limits the right of the Appeals Tribunal to exercise its powers under subsection (1) during the hearing of an appeal.

Failure to be examined

(7) If a worker is required by the Appeals Tribunal to submit to an examination by one or more medical practitioners who provide assistance to the Appeals Tribunal under this section and the worker does not submit to the examination or in any way obstructs the examination, the worker's right to compensation or to a final decision by the Appeals Tribunal may be suspended by the Appeals Tribunal.

Application of s. 83

86i. Section 83 applies with necessary modifications to the chairman, vice-chairmen and other members of the Appeals Tribunal, to all officers and employees of the Appeals Tribunal and any person engaged by the Appeals Tribunal to conduct an examination, test or inquiry, or authorized to perform any function under this Act.

Notice

86j.—(1) Upon receipt of a notice of appeal, the Appeals Tribunal shall, as soon as practicable, notify the Board and the parties of record of the appeal and the issue or issues in respect of which the appeal is brought and shall furnish the same with copies of any written submissions made with respect thereto.

Payments pending appeal

(2) Any periodic payments to be paid under a decision of the Board shall be paid notwithstanding that an appeal is

taken therefrom and any amounts paid may be dealt with as the Appeals Tribunal shall direct.

Transmission of records

(3) Upon receipt of a notice under subsection (1), the Board shall forthwith transmit the Board's records related to the appeal to the chairman of the Appeals Tribunal.

Rules

86k. The Appeals Tribunal shall determine its own practice and procedure and may, subject to the approval of the Lieutenant Governor in Council, make rules governing its practice and procedure and the exercise of its powers in respect thereto, and may prescribe such forms as it considers necessary.

Powers of Appeals Tribunal

86l.—(1) The Appeals Tribunal may confirm, vary, reverse or uphold any decision of the Board under appeal.

Communication of decisions

(2) Every decision of the Appeals Tribunal and the reasons therefor shall be communicated promptly in writing to the Board and the parties of record.

Application of certain sections

86m. Sections 76, 80 and 81 apply with necessary modifications to the Appeals Tribunal as if a reference to the Board were a reference to the Appeals Tribunal.

Determination of issues by Board

86n.—(1) Where a decision of the Appeals Tribunal turns upon an interpretation of the policy and general law of this Act, the board of directors of the Board may in its discretion review and determine the issue of interpretation of the policy and general law of this Act and may direct the Appeals Tribunal to reconsider the matter in light of the determination of the board of directors.

Hearing

(2) Where the board of directors of the Board in the exercise of its discretion under subsection (1) considers that a review is warranted, it shall either hold a hearing and afford the parties likely to be affected by its determination an opportunity to make oral and written submissions or it may dispense with a hearing if it permits the parties likely to be affected by its determination to make written submissions, as the board may direct.

Determination

(3) The board of directors of the Board shall give its determination and direction, if any, under this section in writing together with its reasons therefor.

Stay, etc., of orders

(4) Pending its determination, the board of directors of the Board, with respect to the decision that is the subject-matter of the review, may stay the enforcement or execution of the

order made under the decision or may vacate the order if it has been implemented.

Appeals

86o.—(1) An appeal to the Appeals Tribunal lies from a decision of the Board with respect to the matters referred to in clauses 86g (1) (b) and (c).

Transition

(2) With the leave of the Appeals Tribunal, a decision of a panel of the Board made before this section comes into force may be appealed to the Appeals Tribunal.

Idem

(3) Leave to appeal a decision to which subsection (2) applies shall not be granted unless,

(a) there is substantial new evidence which was unavailable at the time of the hearing by the panel; or

(b) there appears to the Appeals Tribunal to be good reason to doubt the correctness of the decision.

Industrial Disease Standards Panel

86p.—(1) There is hereby constituted a panel to be known as the Industrial Disease Standards Panel.

Composition

(2) The Panel shall be composed of not more than nine members including persons representative of the public and of the scientific community and technical and professional persons.

Idem

(3) The members of the Panel shall be appointed by the Lieutenant Governor in Council one of whom shall be designated by the Lieutenant Governor in Council as chairman of the Panel and one of whom shall be designated by the Lieutenant Governor in Council as vice-chairman.

Remuneration

(4) The remuneration, benefits and allowances of the members of the Panel shall be determined by the Lieutenant Governor in Council.

Officers and employees

R.S.O. 1980, c. 108

(5) The chairman of the Panel, subject to such guidelines as may be established by the Management Board of Cabinet and subject to the provisions of the *Crown Employees Collective Bargaining Act*, may establish job classifications, personnel qualifications and ranges for remuneration and benefits for officers and employees of the Panel, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and ranges for remuneration and benefits so established by the chairman.

Recovery of costs and expenses

(6) The costs and expenses associated with the administration of the Panel, including the remuneration and expenses of

its members, officers and employees, shall be paid by the Ministry of Labour and shall be chargeable by the Ministry to the Board and the costs and expenses shall form part of the administrative expenses of the Board.

Functions

(7) It shall be the function of the Panel,

(a) to investigate possible industrial diseases;

(b) to make findings as to whether a probable connection exists between a disease and an industrial process, trade or occupation in Ontario;

(c) to create, develop and revise criteria for the evaluation of claims respecting industrial diseases; and

(d) to advise on eligibility rules regarding compensation for claims respecting industrial diseases.

Special panels

(8) The Panel may establish special panels to investigate matters arising out of its functions under subsection (7) and may appoint *ad hoc* members who are specialists in particular diseases and in industrial processes to such special panels which shall report thereon to the Panel.

Practice and procedure

R.S.O. 1980, c. 484

(9) The Panel shall determine its own priorities, practice and procedure and shall not be subject to or affected in any way by the *Statutory Powers Procedure Act*, or by any rules made under it.

Report to Board

(10) The Panel shall report its findings to the Board.

Notice of findings

(11) Before accepting or rejecting any findings of the Panel, the Board shall publish in *The Ontario Gazette* a notice setting forth the nature of the findings and calling for comments, briefs and submissions thereon to be filed with the Board within sixty days of the publication of the notice or within such longer period as the Board may specify in the notice.

Acceptance

(12) Upon the expiry of the period allowed for the filing under subsection (11), the Board may accept the findings of the Panel with or without amendments or may reject the findings.

Idem

(13) Where the findings of the Panel are accepted under subsection (12) with amendments or rejected, the Board need not give any further notice under subsection (11).

Publication of findings

(14) Where the Board accepts or rejects the findings of the Panel, notice of the Board's acceptance or rejection, with reasons therefor, shall be published in *The Ontario Gazette*.

Annual report

(15) The Panel shall, after the close of each year, file with the Minister of Labour an annual report upon the affairs of the Panel, and the Minister shall cause a copy of the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Office of Worker Adviser

86q.—(1) The Minister of Labour shall establish an office to be available to any person who is or has been a claimant for benefits under this Act and the office shall be known as the "Office of the Worker Adviser".

Idem

(2) The Minister shall pay such remuneration and expenses as may be required to carry out such functions as may be assigned to the Office of the Worker Adviser by the Minister.

Idem

(3) The Board shall reimburse the Minister for the remuneration and expenses referred to in subsection (2).

Office of Employer Adviser

86r.—(1) The Minister of Labour shall establish an office to be known as the "Office of the Employer Adviser" and shall pay such remuneration and expenses as may be required to carry out such functions as may be assigned to it by the Minister.

Idem

(2) The Board shall reimburse the Minister for the remuneration and expenses referred to in subsection (1).

French language services

86s. Services under this Act shall, where appropriate, be made available in the French language.

33. Section 113 of the said Act is amended by striking out "*Trustee Act*" in the eighth line and inserting in lieu thereof "*Pension Benefits Act*".

34.—(1) Subsection 122 (9) of the said Act is repealed and the following substituted therefor:

Presumption

(9) If the worker at or before the date of the disablement was employed in any process mentioned in the second column of Schedule 3 and the disease contracted is the disease in the first column of the Schedule set out opposite to the description of the process, the disease shall be deemed to have been due to the nature of that employment unless the contrary is proved.

(9a) If the worker at or before the date of the disablement was employed in any process mentioned in the second column of Schedule 4 and the disease contracted is the disease in the first column of the Schedule set out opposite to the description of the process, the disease shall be conclusively deemed to have been due to the nature of the employment. Idem

(2) Subsection 122 (12) of the said Act is repealed and the following substituted therefor:

(12) Notwithstanding any other provision of this Act, the Board may enter into an agreement with the appropriate authority in any jurisdiction in Canada to provide for the apportionment of the costs of the claims for industrial diseases for workers who have had exposure employment in more than one Canadian jurisdiction. Agreements for cost sharing

(3) Subsection 122 (16) of the said Act is amended by inserting after "3" in the third line "or 4".

35. Section 125 of the said Act is amended by adding thereto the following subsections:

(2) The payments and deposits referred to in sections 29 and 33 shall be invested in any such securities as a trustee may invest in under the *Pension Benefits Act*. Investments

R.S.O. 1980, c. 373

(3) The Board, where it considers proper, may add to the amount payable by an employer under subsection (1) a percentage or sum for the purpose of raising special funds and the Board may use such moneys to meet a loss or relieve any employer in Schedule 2 from all or part of the costs arising from any disaster or other circumstance where, in the opinion of the Board, it is proper to do so. Special funds

36. Section 131 of the said Act is repealed and the following substituted therefor:

131. This Part does not apply to domestics or their employers to whom Part I applies. Domestics

37. The said Act is further amended by adding thereto the following Part:

PART III

132. Subject to this Part, this Act, as it read immediately before the coming into force of this section, continues to apply to personal injury by accident and to an industrial disease where the accident or disease occurred before the day Transition

this section comes into force, and to death resulting from injury or industrial disease where the death occurred before the coming into force of this section.

Repeals

133.—(1) Sections 21 and 22, subsection 36 (2) and sections 37, 42 and 49 of this Act, as continued by section 132, are repealed.

Transition

(2) Subsection 36 (2) and section 37 of this Act, as they read immediately before the coming into force of this section, apply to a dependent widow or widower, or a dependent common-law wife or husband who remarried or married, as the case may be, before the coming into force of this section.

Temporary disability adjustment

(3) Where a worker is in receipt of temporary disability benefits on the day this section comes into force, the Board shall adjust the rate of compensation by adding thereto an additional 5 per cent but the compensation rate resulting from the adjustment shall not exceed the maximum established by sections 39 and 45, as continued by section 132.

s. 40, re-enacted

134. Section 40 of this Act, as continued by section 132, is repealed and following substituted therefor:

Temporary disability subsequent to permanent disability

40. Where a worker, who has become entitled to benefits under this Act and has returned to employment, becomes entitled to payment for temporary disability by reason of any matter arising out of the original accident, the compensation payable for such temporary disability shall be paid on either the average weekly earnings at the date of the accident or the average weekly earnings at the date of the most recent employment of the worker calculated in the manner set out in section 39, whichever is the greater.

s. 41 (2), re-enacted

135. Subsection 41 (2) of this Act, as continued by section 132, is repealed and the following substituted therefor:

Idem

(2) In determining the amount to be paid under clause (1) (b), the Board shall have regard to any payments the worker receives under the Canada Pension Plan, and where subclause (1) (b) (i) or (ii) applies, the compensation shall be a periodic amount proportionate to the degree of earnings impairment resulting from the injury as determined by the Board and subsection 43 (4) applies.

s. 43 (4, 5), re-enacted

136. Subsections 43 (4) and (5) of this Act, as continued by section 132, are repealed and the following substituted therefor:

Lump sum

(4) Where the impairment of the earning capacity of the worker does not exceed 10 per cent of the worker's earning capacity and the worker does not elect to receive compensation by a weekly or other periodical payment, the Board shall, unless the Board decides that it would not be to the advantage of the worker to do so, direct that such lump sum as may be considered to be the equivalent of the periodic payment shall be paid to the worker.

Periodic payments

(5) Notwithstanding subsection (1), where the impairment of earning capacity of the worker is significantly greater than is usual for the nature and degree of injury, the Board may supplement the amount awarded for permanent partial disability for such period as the Board may fix unless the worker,

(a) fails to co-operate in or is not available for a medical or vocational rehabilitation program which would, in the Board's opinion, aid in getting the worker back to work; or

(b) fails to accept or is not available for employment which is available and which in the opinion of the Board is suitable for the worker's capabilities.

Idem

(5a) In calculating the amount of the supplement under subsection (5), the Board shall have regard to the difference between the average earnings of the worker before the accident and the average earnings after the accident and the compensation shall be a weekly or other periodic payment of 75 per cent of the difference, but the total of such supplement and the award under subsection (1) shall not exceed the like proportion of 75 per cent of the worker's pre-accident average earnings, and the Board shall have regard to the effect of inflation on the pre-accident earnings rate and to any payments the worker receives under the Canada Pension Plan.

Older workers

(5b) Notwithstanding subsections (1) and (5), where the impairment of earnings capacity for an older worker is significantly greater than is usual for the nature and degree of the worker's injury and, where in the opinion of the Board, the worker can not return to work and is unlikely to benefit from a vocational rehabilitation program which would lead to employment, the Board may supplement the amount awarded for permanent partial disability with an amount not exceeding the old age security benefits that would be payable under section 3 of the *Old Age Security Act* (Canada), and amendments thereto, as if the worker were eligible therefor, and such supplement may continue until the worker is eligible for such old age security benefits or until the worker returns to employment.

R.S.C. 1970, c. O-6

Idem

(5c) A supplement awarded under subsection (5b) shall be a weekly or other periodic payment and the total sum of such supplement and the award under subsection (1) shall not exceed the like proportion of 75 per cent of the worker's pre-accident average earnings and, in calculating the amount of the supplement, the Board shall have regard to any payments the worker receives under the Canada Pension Plan.

Effect of C.P.P.

(5d) Notwithstanding subsection 41 (2), as re-enacted by section 135, or subsection (5a) or (5c) of this section, the fact that a worker is receiving payments under the Canada Pension Plan shall not be a bar to receiving payments under section 41, as continued by section 132, or subsection (5) or (5b) of this section and the Board in having regard to payments received by a worker under the Canada Pension Plan shall have regard only to those payments received by the worker with respect to a disability arising from the injury.

Application of certain sections

137.—(1) Sections 50 and 55 of this Act, as re-enacted or amended by sections 13 and 14 of the *Workers' Compensation Amendment Act, 1984*, being chapter 58, apply to this Act as continued by section 132.

Idem

(2) Sections 21 and 56 to 86s of this Act, as amended, repealed, enacted or re-enacted by sections 8 and 15 to 32 of the *Workers' Compensation Amendment Act, 1984,* being chapter 58, apply to this Act as continued by section 132.

Commencement

(3) Subsection (2) comes into force on the day that section 32 of the *Workers' Compensation Amendment Act, 1984*, being chapter 58, comes into force.

R.S.O. 1980, c. 539

38. Where an application or appeal has been heard by the Board or a panel thereof pursuant to sections 75 and 77 of the *Workers' Compensation Act*, as those sections read immediately prior to the coming into force of this section, and a final decision or action thereon has not been made or taken before the day this section comes into force, the Board or a panel thereof may carry out and complete any duties or responsibilities and exercise any powers in connection with the application or appeal as though this Act had not been enacted.

39. Clause 9 (b) of the *Human Rights Code, 1981*, being chapter 53, is amended by striking out "or" at the end of subclause (iii), by adding "or" at the end of subclause (iv) and by adding thereto the following subclause:

R.S.O. 1980, c. 539

(v) an injury or disability for which benefits were claimed or received under the *Workers' Compensation Act*.

Commencement

40. **This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.**

Short title

41. **The short title of this Act is the *Workers' Compensation Amendment Act, 1984* (No. 2).**

CHAPTER 59

An Act to amend the Securities Act

Assented to December 14th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

138a.—(1) Subject to subsection (2), this Act applies to, Application to Her Majesty

(a) Her Majesty in right of Canada;

(b) Her Majesty in right of Ontario; and

(c) Her Majesty in right of any other province or territory of Canada,

and agents and servants thereof.

(2) Subsections 11 (4) and (6) and sections 16, 17, 59, 118, 126, 127, 129, 131, 132 and 135 do not apply to, Exceptions

(a) Her Majesty in right of Canada;

(b) Her Majesty in right of Ontario;

(c) Her Majesty in right of any other province or territory of Canada; or

(d) an agent or servant of Her Majesty, as referred to in clause (a), (b) or (c), where the matter arises from the performance of a duty or the exercise of a power as an agent or servant thereof or from any neglect or default in the performance or exercise of such duty or power.

Commencement

2. This Act shall be deemed to have come into force on the 18th day of June, 1984.

Short title

3. The short title of this Act is the *Securities Amendment Act, 1984*.

CHAPTER 60

An Act to amend the Education Act

Assented to December 14th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subparagraph ii of paragraph 10a of subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 32, section 1, is repealed and the following substituted therefor:

ii. is acceptable to the Minister as partial fulfilment of the requirements for the Ontario secondary school diploma, the secondary school graduation diploma or the secondary school honour graduation diploma, as the case may be.

2. Clause 8 (1) (i) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 32, section 3, is amended by striking out "*Workmen's Compensation Act*" in the fourth line and inserting in lieu thereof "*Workers' Compensation Act*".

3. The said Act is amended by adding thereto the following section:

Accounting statement related to assistance by Ministry
R.S.O. 1980, c. 405

8a. The Minister may require a person or organization that has received financial assistance under this Act or the regulations to submit to the Minister a statement prepared by a person licensed under the *Public Accountancy Act* that sets out the details of the disposition of the financial assistance by the person or organization.

4. Clause 10 (8) (d) of the said Act is repealed and the following substituted therefor:

fees for evaluations

(d) prescribing the conditions under which fees shall be paid to the Ministry for the evaluation of academic certificates, transcripts and other documents of edu-

cational standing, and prescribing the amounts of the fees.

5. Subsection 15 (7) of the said Act is amended by inserting after "to" where it occurs the first time in the fourth line "the Ontario secondary school diploma".

6.—(1) Subsection 59 (7) of the said Act is repealed and the following substituted therefor:

Application of subss. (4-6) R.S.O. 1980, c. 308

(7) Determinations shall be made under subsections (4), (5) and (6) before the 1st day of September in each year in which a regular election is to be held under the *Municipal Elections Act*.

(2) Subsection 59 (9) of the said Act is amended by striking out "and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection (3) or the boundaries of one or more county or district municipalities within the school division are altered or are to be altered effective on or before the 1st day of January next following the election" in the twenty-sixth to the thirty-second lines.

(3) Section 59 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 16, is further amended by adding thereto the following subsection:

New city

(34) A new city that is to be erected effective on or before the 1st day of January next following a regular election under the *Municipal Elections Act* shall be deemed, for the purposes of subsections (1) to (33), to have been erected, but this subsection does not apply in respect of determining the persons responsible for performing duties in connection with the regular election.

7.—(1) Subsection 113 (6) of the said Act is repealed and the following substituted therefor:

Application of subs. (4) R.S.O. 1980, c. 308

(6) A determination shall be made under subsection (4) before the 1st day of September in each year in which a regular election is to be held under the *Municipal Elections Act*.

(2) Section 113 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 37, is further amended by adding thereto the following subsections:

Change of boundaries

(24) Where the boundaries of a county or district combined separate school zone or of a municipality are to be altered effective on or before the 1st day of January next following a

regular election under the *Municipal Elections Act*, the boundaries shall be deemed, for the purposes of subsections (1) to (23), to have been so altered, but this subsection does not apply in respect of determining the persons responsible for performing duties in connection with the regular election.

New city

(25) A new city that is to be erected effective on or before the 1st day of January next following a regular election under the *Municipal Elections Act* shall be deemed, for the purposes of subsections (1) to (24), to have been erected, but this subsection does not apply in respect of determining the persons responsible for performing duties in connection with the regular election.

8. Subsection 126 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 47, section 21, is amended by striking out "prescribed form" in the first line and inserting in lieu thereof "form prescribed by the regulations".

9. Form 2 of Part IV of the said Act is repealed.

10. Paragraph 38 of subsection 150 (1) of the said Act is repealed and the following substituted therefor:

programs in detention homes

38. with the approval of the Minister, conduct an education program in a centre, facility, home, hospital or institution that is approved, designated, established, licensed or registered under any Act and in which the Ministry does not conduct an education program.

11.—(1) Subsection 158 (1) of the said Act is amended by inserting after "and" in the sixth line "subject to subsection (1b)".

(2) Section 158 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 42, is further amended by adding thereto the following subsection:

Idem

(1b) Where, pursuant to a collective agreement, or a policy of the board, an employee to whom subsection (1) applies has elected to accept a reduction in employment from full-time to part-time employment in respect of one or more years or school years, as the case may be, including the year or school year immediately preceding his termination of employment by reason of retirement, the limitation upon the amount of the gratuity payable under subsection (1) does not apply to the employee and, in lieu thereof, the maximum amount receivable by the employee shall not be in excess of an amount equal to one-half of the full-time annual rate of the earnings

received by the employee for the last complete year or school year, as the case may be, in which the employee was employed by the board.

12. Subsection 165 (3) of the said Act is amended by striking out "subsection (1) or (2)" in the first and second lines and inserting in lieu thereof "subsection (1), (1a) or (2)".

13. Subsection 170 (1) of the said Act is repealed and the following substituted therefor:

Disposal of realty

(1) A board that is in possession of real property that was originally granted by the Crown for school purposes and that has reverted or may have reverted to the Crown may continue in possession of the real property for school purposes and when the board determines that the real property is no longer required for school purposes, the board may, with the approval of the Lieutenant Governor in Council and subject to such conditions as are prescribed by the Lieutenant Governor in Council, sell, lease or otherwise dispose of the real property.

14. Clause 182 (7) (c) of the said Act is amended by striking out "74 (4) (b)" in the third line and inserting in lieu thereof "74 (4) (a)".

15. Section 215 of the said Act is amended by adding thereto the following subsections:

Transfer of payments

(9) The council of each municipality shall cause each instalment that the council is required by subsections (1) to (8) to pay to a board to be delivered to the board not later than noon on, or deposited in the board's bank account for credit to the board not later than, the date on which the council is required by those subsections to pay the instalment.

Interpretation

(10) In this section, "bank account", in relation to a board, means the account kept in a chartered bank of Canada in the name of the board and designated by the board for the purpose of this section.

Business days

(11) The council of a municipality that is required by subsections (1) to (10) to pay an instalment on a date that falls on a Saturday, a Sunday or any other day on which the offices of the board are not open for business shall comply with subsection (9) on the day on which the offices of the board are open for business next preceding the instalment due date.

16. The said Act is further amended by adding thereto the following section:

252a.—(1) A board that is required by this Act to employ a director of education in any year or that appoints a director of education or a supervisory officer with the approval of the Minister shall not abolish the position of director of education or supervisory officer, as the case may be, without the approval of the Minister. Abolition of position

(2) Where, before this section comes into force, a board has abolished a position mentioned in subsection (1), the Minister may require the board to re-establish the position and the board shall comply with the requirement forthwith. Idem

17.—(1) Subsection 258 (1) of the said Act is repealed and the following substituted therefor:

(1) In this section, Interpretation

(a) "board" means a board of education, public school board or separate school board;

(b) "French-language instructional unit" means a class, group of classes or school in which French is the language of instruction;

(c) "French-speaking person" means a child of a person who has the right under section 23 of the *Canadian Charter of Rights and Freedoms* to have his children receive primary and secondary school instruction in the French language in Ontario.

(2) Subsection 258 (2) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 61, is repealed and the following substituted therefor:

(2) Every French-speaking person who is qualified under this Act to be a resident pupil of a board has the right to receive elementary school instruction in a French-language instructional unit operated or provided by the board. Right to instruction in French-language instructional unit

(3) Subsections 258 (3) to (6) of the said Act are repealed and the following substituted therefor:

(3) Every board that has one or more resident pupils who exercise their right to receive instruction in a French-language instructional unit shall establish and operate one or more French-language instructional units for those pupils or shall enter into an agreement with another board to enable those pupils to receive instruction in a French-language instructional unit operated by the other board. Duty of board to provide French-language instructional unit

Meals, lodging and transportation

(4) A board that provides a French-language instructional unit for elementary school instruction by means of an agreement with another board shall provide to each French-speaking resident pupil of the first-mentioned board who is a pupil in the French-language instructional unit and resides with the parent or other person who has lawful custody of the pupil more than twenty-four kilometres from the French-language instructional unit,

(a) an allowance payable monthly in an amount set by the board for meals and lodging for each day of attendance as certified by the principal in respect of the French-language instructional unit and for transportation once a week from the pupil's residence to the lodging and return; or

(b) daily transportation in a manner determined by the board from the pupil's residence to the French-language instructional unit and return, where the parent or other person who has lawful custody of the pupil elects to have daily transportation.

English as a subject of instruction

(5) English may be a subject of instruction in any grade in a French-language instructional unit mentioned in subsection (2).

Idem, grades 5, 6, 7 and 8

(6) English shall be a subject of instruction in grades 5, 6, 7 and 8 in every French-language instructional unit.

Admission of pupils other than French-speaking pupils

(6a) A board, on the request of the parent of a pupil of the board who is not a French-speaking person, or of a person who has lawful custody of a pupil of the board who is not a French-speaking person, or of a pupil of the board who is an adult and is not a French-speaking person, may admit the pupil to a French-language instructional unit if the admission is approved by majority vote of an admissions committee appointed by the board and composed of the principal of the school to which admission is requested, a teacher who uses the French language in instruction in the school and a French-speaking supervisory officer employed by the board or arranged for in accordance with subsection (7).

(4) Subsection 258 (8) of the said Act is repealed and the following substituted therefor:

English-language schools or classes

(8) Where a board provides one or more French-language elementary schools, a resident pupil of the board has the right to receive instruction in the English language and subsections (2), (3) and (4) apply with necessary modifications in respect of the resident pupil and the board.

18.—(1) Clause 260 (a) of the said Act is amended by adding at the end thereof "or a secondary school board formed under section 69".

(2) Section 260 of the said Act is amended by adding thereto the following clause:

(ca) "French-speaking person" means a child of a person who has the right under section 23 of the *Canadian Charter of Rights and Freedoms* to have his children receive primary and secondary school instruction in the French language in Ontario.

19. Section 261 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 62, is repealed and the following substituted therefor:

Right to instruction in French-language instructional unit

261.—(1) Every French-speaking person who is qualified under this Act to be a resident pupil of a board has the right to receive secondary school instruction in a French-language instructional unit operated or provided by the board.

Duty of board to provide French-language instructional unit

(2) Every board that has one or more resident pupils who exercise their right to receive instruction in a French-language instructional unit shall establish and operate one or more French-language instructional units for those pupils or shall enter into an agreement with another board to enable those pupils to receive instruction in a French-language instructional unit operated by the other board.

Meals, lodging and transportation

(3) A board that provides a French-language instructional unit for secondary school instruction by means of an agreement with another board shall provide to each French-speaking resident pupil of the first-mentioned board who is a pupil in the French-language instructional unit and resides with the parent or other person who has lawful custody of the pupil more than twenty-four kilometres from the French-language instructional unit,

(a) an allowance payable monthly in an amount set by the board for meals and lodging for each day of attendance as certified by the principal in respect of the French-language instructional unit and for transportation once a week from the pupil's residence to the lodging and return; or

(b) daily transportation in a manner determined by the board from the pupil's residence to the French-language instructional unit and return, where the par-

ent or other person who has lawful custody of the pupil elects to have daily transportation.

20. Subsection 268 (1) of the said Act is repealed and the following substituted therefor:

Attendance of committee chairman at board committee meeting

(1) The chairman of the committee or a member of the committee designated by the chairman of the committee has the right to attend a meeting of a committee of the board, including a committee of the whole board, and shall be given the opportunity to be heard at the meeting in respect of any matter that affects French-speaking pupils and that is within the jurisdiction of the committee of the board or the committee of the whole board, as the case may be.

21. Section 271 of the said Act is repealed.

22. Subsection 272 (1) of the said Act is amended by striking out "number of pupils of the board elect" in the second and third lines and inserting in lieu thereof "pupil of the board elects".

23. Subsection 273 (1) of the said Act is amended by striking out "an English-speaking pupil of the board" in the first and second lines and inserting in lieu thereof "a pupil of the board who is not a French-speaking person".

24. Subsection 277 (2) of the said Act is repealed and the following substituted therefor:

Resolution by board

(2) Within thirty days of the receipt by the board of the recommendation of the Commission, the board shall resolve either to implement the recommendation or not to implement the recommendation.

Notice to Commission

(3) The board shall give to the Commission written notice of the resolution.

Where board resolves not to implement recommendation

(4) A board that resolves not to implement the recommendation shall also give to the Minister written notice of the resolution and shall give to the Minister and to the Commission written reasons for the decision.

Time for notices and reasons

(5) The board shall give the notices and reasons within the thirty day period mentioned in subsection (2).

25. The said Act is further amended by adding thereto the following sections:

Second resolution

277a.—(1) A board that resolves not to implement the recommendation of the Commission may rescind the resolution and resolve to implement the recommendation.

Conflict with by-law

(2) In the event of a conflict between subsection (1) and a by-law of the board, subsection (1) prevails.

Time for second resolution

(3) A board must act under subsection (1) within sixty days after receiving the recommendation of the Commission.

Reconsideration by Commission

277b.—(1) Where a board does not resolve to implement the recommendation of the Commission within the period of time mentioned in section 277 or 277a, as the case requires, the Commission shall reconsider the matter and shall make a written report and recommendation to the Minister in respect of the matter.

Order by Minister

(2) The Minister shall consider the report and recommendation of the Commission under subsection (1) and shall make such order to the board or the Commission, or both, to deal with the matter as the Minister considers appropriate in the circumstances.

Report and recommendation not binding on Minister

(3) The report and recommendation of the Commission are not binding upon the Minister, and the Minister is not required to give to any person an opportunity to make submissions or to be heard before making an order under subsection (2).

Enforcement of order

(4) An order by the Minister under subsection (2), exclusive of the reasons, if any, therefor may be filed in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as an order of that court.

Service of order

(5) An order by the Minister under subsection (2),

(a) to a board is effective according to its terms when a copy is served upon the secretary of the board; and

(b) to the Commission is effective according to its terms when a copy is served upon the chairman of the Commission.

Commencement

26.—(1) This Act, except sections 17, 18, 19, 21, 22 and 23, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 17, 18, 19, 21, 22 and 23 come into force on the 1st day of September, 1985.

Short title

27. The short title of this Act is the *Education Amendment Act, 1984*.

CHAPTER 61

An Act to amend the Highway Traffic Act

Assented to December 14th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 26 (2) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 4, is repealed and the following substituted therefor:

Determining subsequent conviction

(2) In determining whether a conviction is a subsequent conviction or an additional subsequent conviction, as the case may be, for the purpose of clauses (1) (b) and (c), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction.

Five year limitation

(2a) Clauses (1) (b) and (c) do not apply when the subsequent conviction is more than five years after the previous conviction.

2.—(1) Subsection 44 (1) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the second line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(2) Subsection 44 (5) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the fifth and sixth lines and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(3) Subsection 44 (10) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the second line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(4) Subsection 44 (11) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the sec-

ond line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(5) Subsection 44 (13) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the second line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(6) Subsection 44 (17) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the second line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(7) Subsection 44 (19) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the third and fourth lines and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(8) Subsection 44 (23) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the second line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(9) Subsection 44 (24) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the second line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(10) Subsection 44 (25) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the second line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(11) Subsection 44 (26) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the fourth and fifth lines and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(12) Subsection 44 (27) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the fourth and fifth lines and inserting in lieu thereof "before sunset to one-half hour after sunrise".

3. Section 60 of the said Act is amended by adding thereto the following subsection:

Exemption by regulation

(3) The Lieutenant Governor in Council may make regulations exempting any class of persons or vehicles or any use of equipment or type of equipment from the provisions of this section.

4. **Subsection 104 (1) of the said Act is amended by striking out "subsection 23 (1)" in the first line and inserting in lieu thereof "subsection 15 (1)".**

5. **Clause 122 (7) (b) of the said Act is amended by striking out "yellow" in the second line and inserting in lieu thereof "amber".**

6. **Subsection 151 (7) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 19, is amended by striking out "subsection 147 (1)" in the twelfth line and inserting in lieu thereof "clause 147 (1) (a)".**

7. **Subsection 184 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 44, is repealed and the following substituted therefor:**

Report on conviction to Registrar

(1) A judge, provincial judge or justice of the peace who makes a conviction for an offence under this Act or under any other Act of the Legislature or the Parliament of Canada or any regulation or order made under any of them committed by means of a motor vehicle, motorized snow vehicle or street car or for an offence under a municipal by-law regulating traffic on the highways, except convictions for offences for standing or parking or the clerk of the court in which the conviction is made, shall forthwith certify the conviction to the Registrar, setting out the name, address and description of the person convicted, the number of his driver's licence, the number of the permit of the motor vehicle or the registration number of the motorized snow vehicle, as the case may be, with which the offence was committed, the time the offence was committed and the provision of the Act, regulation, order or by-law contravened.

Commencement

8. **This Act comes into force on the day it receives Royal Assent.**

Short title

9. **The short title of this Act is the *Highway Traffic Amendment Act, 1984* (No. 2).**

CHAPTER 62

An Act to amend the Immunization of School Pupils Act, 1982

Assented to December 14th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Immunization of School Pupils Act, 1982*, being chapter 41, as amended by the Statutes of Ontario, 1983, chapter 76, section 1, is further amended by adding thereto the following clause:

(ma) "statement of conscience or religious belief" means a statement by affidavit in the prescribed form by a parent of the person named in the statement that immunization conflicts with the sincerely held convictions of the parent based on the parent's religion or conscience.

(2) Clause 1 (o) of the said Act is repealed.

2. The said Act is amended by adding thereto the following sections:

Duty of parent

2a.—(1) The parent of a pupil shall cause the pupil to complete the prescribed program of immunization in relation to each of the designated diseases.

Exception

(2) Subsection (1) does not apply to the parent of a pupil in respect of the prescribed program of immunization in relation to a designated disease specified by a physician in a statement of medical exemption filed with the proper medical officer of health and, where the physician has specified an effective time period, only during the effective time period.

Idem

(3) Subsection (1) does not apply to a parent who has filed a statement of conscience or religious belief with the proper medical officer of health.

Idem

(4) Subsection (1) does not apply to a parent who, before the coming into force of this section, has filed with the proper medical officer of health a statement of religious belief in the form prescribed before the coming into force of this section.

Offence

2b. Every person who contravenes section 2a is guilty of an offence and on conviction is liable to a fine of not more than $1,000.

Certificate by M.O.H. as evidence

2c. In proceedings under section 2b, a certificate by a medical officer of health as to whether or not he has received a statement of medical exemption, a statement of conscience or religious belief or a statement of religious belief is admissible in evidence as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the medical officer of health.

3. Subclause 3 (2) (a) (iii) of the said Act is repealed and the following substituted therefor:

(iii) a statement of conscience or religious belief in respect of the pupil; and

. . . . .

4. Clause 14 (b) of the said Act is repealed and the following substituted therefor:

(b) prescribing forms and providing for their use and requiring that statements of conscience or religious belief be in the form of affidavits.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Immunization of School Pupils Amendment Act, 1984*.

CHAPTER 63

An Act to revise the Metropolitan Police Force Complaints Project Act, 1981

Assented to December 14th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(a) "Bureau" means the Public Complaints Investigation Bureau;

(b) "chief of police" means the chief of police of the Metropolitan Police Force;

(c) "Commissioner" means the Public Complaints Commissioner appointed under this Act;

(d) "complainant" means a member of the public who makes a complaint in accordance with the provisions of this Act;

(e) "complaint" means an allegation or allegations, made orally or in writing, by a member of the public, concerning the misconduct of a police officer;

(f) "inquiry" means an allegation or allegations concerning conduct of a police officer that does not amount to "misconduct";

(g) "misconduct" means an act or omission on the part of a police officer that constitutes an offence under the Code of Offences set out in the Schedule to Regulation 791 of the Revised Regulations of Ontario, 1980, made under the *Police Act*; R.S.O. 1980, c. 381

(h) "officer in charge" means the police officer who at any particular time, while on duty, is in charge of and responsible for, the proper functioning of a police facility;

(i) "police officer" means a police officer on the Metropolitan Police Force;

(j) "prescribed" means prescribed by the regulations;

(k) "regulations" means the regulations made under this Act;

(l) "subject officer" means a police officer who is the subject of a complaint.

Application of Act

2. This Act applies to complaints and inquiries made by members of the public respecting the conduct of police officers on the Metropolitan Police Force and hearings under this Act and disciplinary proceedings under the *Police Act* and the regulations thereunder arising out of such complaints.

R.S.O. 1980, c. 381

Appointment of Public Complaints Commissioner

3.—(1) The Lieutenant Governor in Council shall appoint a Public Complaints Commissioner, to hold office for a term not exceeding five years, to exercise the powers and perform the duties assigned to him by this Act and the regulations.

Re-appointment

(2) The Commissioner may be reappointed for a further term or terms not exceeding, in each instance, five years.

Officers, etc.

(3) Such officers and employees as are considered necessary from time to time for the purposes of this Act may be appointed under the *Public Service Act*.

R.S.O. 1980, c. 418

Remuneration

(4) The Commissioner shall be paid such remuneration and allowance for expenses as may be fixed by the Lieutenant Governor in Council.

Records

(5) The Commissioner shall maintain copies of all records, reports and other materials received by him under this Act.

Monitoring handling of complaints and inquiries

(6) The Commissioner shall monitor the handling of complaints and inquiries by the Bureau and the chief of police.

Annual report

(7) The Commissioner shall report annually on the affairs of his office to the Solicitor General and to the Attorney General and the Attorney General shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Summary of decisions

(8) The Commissioner shall cause to be prepared and published periodically a summary of the decisions, and the reasons therefor, made by the boards of inquiry under this Act.

(9) The accounts of the Commissioner shall be audited annually by the Provincial Auditor. Audit

4.—(1) The Lieutenant Governor in Council shall appoint a panel of persons to act as members of boards of inquiry. Panel for boards of inquiry

(2) One-third of the members of the panel shall be persons who are members of the Law Society of Upper Canada who are jointly recommended for appointment by the Attorney General and the Solicitor General. Recommendations for appointment

(3) One-third of the members of the panel shall be persons, other than police officers, the appointment of whom the Metropolitan Board of Commissioners of Police and the Metropolitan Toronto Police Association have jointly recommended in writing to the Attorney General. Idem

(4) One-third of the members of the panel shall be persons recommended by the council of The Municipality of Metropolitan Toronto to the Attorney General for appointment. Idem

(5) Appointments to the panel shall be for a term of two years and a person who is appointed may be reappointed for a further term or terms not exceeding, in each instance, two years. Term

(6) Recommendations made under subsections (3) and (4) shall be submitted to the Attorney General within such time as he may specify. Idem

(7) Notwithstanding subsection 34 (1), the members of the Police Complaints Board, except the chairman, constituted under the *Metropolitan Police Force Complaints Project Act, 1981* shall act as members of boards of inquiry under this Act until such time as the panel referred to in subsection (1) is appointed and members of the Police Complaints Board appointed from the groups set out in subsections 4 (4), (5) and (6), respectively, of the *Metropolitan Police Force Complaints Project Act, 1981* shall be deemed to be recommended under subsections (2), (3) and (4) of this section, respectively. Members of Police Complaints Board under 1981, c. 43 1981, c. 43

(8) The members of the panel shall be paid such remuneration and expenses as may be fixed by the Lieutenant Governor in Council. Remuneration

5.—(1) The chief of police shall establish and maintain for the purposes of this Act a branch of the Metropolitan Police Force to be known as the Public Complaints Investigation Bureau. Establishment of Bureau

Staff

(2) The chief of police shall ensure that the Bureau is supplied with sufficient staff to effectively receive, record and investigate complaints and inquiries.

Where complaints may be made

6.—(1) A member of the public may make a complaint at the Bureau, at any police station in Metropolitan Toronto or at the office of the Commissioner.

Information

(2) The person who receives the complaint shall record the complaint in the prescribed form and shall furnish the complainant with a prescribed statement that sets out the procedures that will be followed respecting the complaint and the rights under this Act of the complainant, together with a copy of the complaint.

Preliminary investigation

(3) Where a complaint is recorded at a police station, the officer in charge of the station shall take all reasonable steps to ensure that all available evidence is gathered that may be lost if not secured immediately and, if appropriate, ensure that such other preliminary investigation as may be warranted is conducted and that a report concerning such preliminary investigation is prepared and forwarded to the person in charge of the Bureau.

Copy of complaint

(4) Where a complaint is recorded at a police station, the person recording the complaint shall forward forthwith to the Bureau and to the Commissioner a copy of the complaint.

Idem

(5) Where a complaint is recorded at the Bureau, the person recording the complaint shall forward forthwith to the Commissioner a copy of the complaint.

Idem

(6) Where a complaint is recorded at the office of the Commissioner, the person recording the complaint shall forward forthwith to the Bureau a copy of the complaint.

Notification by Commissioner

7.—(1) Where a complaint is made by a person not directly affected by the incident, the Commissioner, as soon as practicable after receiving the complaint, shall in writing notify the person directly affected by the incident that a complaint has been made under this Act and advise him that he is entitled to be the complainant.

Where no action to be taken

(2) Where the person directly affected by the incident is not known or can not be found or does not, within thirty days of the date of the notification, file with the Commissioner a written request to be the complainant in the matter, no further action shall be taken under this Act in respect of such complaint.

Action under R.S.O. 1980, c. 381

(3) Nothing in subsection (2) shall prevent the chief of police from taking any disciplinary action that he could otherwise take under the *Police Act* and the regulations thereunder, and the chief of police shall notify the Commissioner if any such action is taken and the result thereof and either the chief of police or the Commissioner shall then notify the complainant.

Person deemed directly affected

(4) For the purposes of this section a person who observes an incident shall be deemed to be a person directly affected by the incident.

Reclassification by Bureau chief

8.—(1) Upon receipt of a complaint, the person in charge of the Bureau may, with the consent of the Commissioner, reclassify any of the separate allegations within the complaint as an inquiry, and the complainant and the subject officer shall be notified forthwith.

Response

(2) The person in charge of the Bureau shall determine whether any investigation is required in respect of an inquiry, and if it is, cause such investigation to be conducted, respond to the complainant in writing within sixty days of receipt of the complaint and forward a copy of the response to the Commissioner forthwith.

Reclassification during investigation

(3) The person in charge of the Bureau may, during the course of an investigation under subsection (2), reclassify any of the separate allegations within the inquiry as a complaint, and the complainant, the subject officer and the Commissioner shall be notified forthwith.

Personal record

(4) No reference shall be made in the personal record of any police officer to an inquiry resolved in accordance with subsection (2).

Police officer to be informed

9. The person in charge of the Bureau shall inform forthwith the subject officer of the substance of the complaint in the prescribed form, unless, in the opinion of such person, to do so might adversely affect any investigation of the complaint.

Informal resolution

10.—(1) The person in charge of the Bureau shall consider whether a complaint can be resolved informally and, with the consent of the complainant and the subject officer, may attempt to so resolve the complaint.

Record of informal resolution

(2) Where a complaint is resolved informally, a record shall be made of the manner in which the complaint was resolved and the complainant and the subject officer shall each signify in writing his agreement to such resolution.

Copy of record to be furnished

(3) A copy of a record made under subsection (2) shall be furnished forthwith to the Commissioner, the complainant and the subject officer.

Informal resolution

(4) A complaint may be resolved informally by the person in charge of the Bureau in accordance with the procedures in this section at any time during the course of or after an investigation.

Where complaint to continue

(5) Notwithstanding subsection (1), where the Commissioner is of the opinion that the informal resolution was obtained as a result of a misunderstanding, a threat or other improper pressure, the Commissioner may notify the person in charge of the Bureau that the complaint shall continue and give reasons therefor in writing to the person in charge of the Bureau, the subject officer, the complainant and the chief of police and in such event the complaint shall continue to be treated as a complaint under this Act.

Review of decision

R.S.O. 1980, c. 224

(6) The decision of the Commissioner under subsection (5) shall be deemed to be made in the exercise of a statutory power of decision within the meaning of the *Judicial Review Procedure Act*.

Informal resolution by Commissioner

(7) A complaint may be resolved informally by the Commissioner in accordance with the procedures in this section at any time during the course of an investigation or review by the Commissioner.

No reference in personal record of subject officer

(8) No reference shall be made in the personal record of a subject officer to a complaint resolved under this section, except where misconduct has been admitted by the subject officer.

Investigation

11.—(1) Where a complaint is not resolved informally, the person in charge of the Bureau shall cause an investigation to be made forthwith into the complaint in accordance with prescribed procedures.

Interim reports

(2) The person in charge of the Bureau shall forward to the Commissioner, the complainant and the subject officer an interim report in the prescribed form providing a summary of the investigation to date not later than thirty days after receipt of the complaint and shall forward further interim reports to the same persons on a monthly basis during the course of the investigation.

Exception

(3) Notwithstanding subsection (2), the person in charge of the Bureau may decide not to make a report to the complainant or the subject officer where, in his opinion, to do so might

adversely affect the investigation of the complaint or where there are no new matters to report, in which case the person in charge of the Bureau shall forthwith notify the Commissioner of the reasons for his decision.

Final report

(4) Where an investigation has been completed, the person in charge of the Bureau shall cause a final investigation report in the prescribed form to be prepared and shall forward a copy thereof to the Commissioner, the chief of police, the complainant and the subject officer.

Idem

(5) A final investigation report prepared under subsection (4) shall,

(a) contain a summary of the complaint and a description of the alleged misconduct by the subject officer;

(b) contain a summary of the investigation and of information obtained from the complainant, the subject officer and witnesses, if any; and

(c) contain a description and analysis of any physical evidence obtained.

Further investigation at request of Commissioner

(6) The Commissioner may, upon receipt of a final investigation report, request that the chief of police cause further investigation to be made into the complaint and the results of any such investigation shall be forwarded to the Commissioner.

Withdrawal of complaint

12.—(1) All complaints and inquiries shall be dealt with in accordance with this Act, and shall not be withdrawn except in accordance with this Act.

Notice

(2) A complainant may withdraw a complaint at any time by giving notice, in the prescribed form, to the person in charge of the Bureau, who shall forward a copy thereof to the Commissioner and the subject officer.

Where to continue as complaint

(3) Notwithstanding subsection (2), where the Commissioner is of the opinion that the complainant withdrew the complaint as a result of a misunderstanding, a threat or other improper pressure, the Commissioner may notify the person in charge of the Bureau that the complaint shall continue, and give reasons therefor, in writing, to the person in charge of the Bureau, the subject officer, the complainant and the chief of police and in such event the complaint shall continue to be treated as a complaint under this Act.

Review of decision

R.S.O. 1980, c. 224

(4) The decision of the Commissioner to cause the complaint to continue shall be deemed to be made in the exercise of a statutory power within the meaning of the *Judicial Review Procedure Act*.

Disciplinary action under R.S.O. 1980, c. 381

(5) Notwithstanding subsection (2), where a complaint has been withdrawn by a complainant, such withdrawal shall not prevent the chief of police from taking any disciplinary action that he could otherwise take under the *Police Act* and the regulations thereunder and the chief of police shall notify the Commissioner if any such action is taken and the result thereof.

Where complaint not to be dealt with

13.—(1) Where it appears to the chief of police that,

(a) a complaint is frivolous, vexatious or made in bad faith;

(b) a complaint is not within the jurisdiction of this Act; or

(c) a complaint is one that could or should be more appropriately dealt with under an Act other than this Act,

the chief of police may decide that the complaint or any part thereof not be dealt with under this Act.

Notice

(2) The chief of police shall notify the Commissioner, the complainant and the subject officer of any decision made under subsection (1).

Disciplinary action under R.S.O. 1980, c. 381

(3) Notwithstanding subsection (1), the decision of the chief of police shall not prevent the chief from taking any disciplinary action that he could otherwise take under the *Police Act* and the regulations thereunder.

Review by Commissioner

(4) The complainant may, within thirty days of receiving notification under subsection (2), request the Commissioner to review the decision made under subsection (1), in which case all the provisions of this Act relating to a review by the Commissioner apply with necessary modifications.

Extension of time

(5) Notwithstanding subsection (4), where the Commissioner is satisfied that there are reasonable grounds for granting an extension, the Commissioner may extend the time for requesting a review.

Powers and duties of chief of police

14.—(1) The chief of police shall review a final investigation report and he may order such further investigation as he

considers advisable and may, unless he decides that no action is warranted,

(a) cause an information alleging the commission of an offence by the subject officer to be laid and refer the matter to the Crown attorney for prosecution;

(b) order that one or more of the allegations contained in the complaint be heard by a board of inquiry;

(c) cause disciplinary proceedings to be taken under the *Police Act* and the regulations thereunder; and

(d) after giving the subject officer ten working days to reply, either orally or in writing, to the complaint, counsel or caution the subject officer regarding his conduct,

but where the chief of police takes action under clause (b), (c) or (d), he shall not take action under any other of those clauses.

Hearing not stayed

R.S.O. 1980, c. 381

(2) Where the chief of police causes an information to be laid under clause (1) (a), such action shall not stay any disciplinary proceedings under the *Police Act* or any hearing by a board of inquiry unless the presiding officer or the board, as the case may be, is of the opinion that the hearing should be stayed until the court proceedings have been concluded.

Review by Commissioner

(3) A subject officer may within thirty days of the taking of any action under clause (1) (d), request the Commissioner to review the action, in which case all the provisions of this Act relating to a review by the Commissioner shall apply with necessary modifications.

Extension of time

(4) Notwithstanding subsection (3), where the Commissioner is satisfied that there are reasonable grounds for granting an extension, the Commissioner may extend the time for requesting a review.

Expunging from personal record

(5) Any action taken under clause (1) (d) shall be expunged from the personal record of the subject officer upon the expiration of a period of two years during which no other disciplinary action has been noted on the record.

Notice of action taken

(6) The chief of police shall give forthwith written notice of any action taken by him under subsection (1) or of his decision that no action is warranted to the Commissioner, the complainant and the subject officer and, where his decision is that no action is warranted or he has taken action under

clause (1) (d), the chief of police shall give his reasons therefor.

Designation by chief of police

(7) The chief of police may designate any police officer of the rank of inspector or higher to exercise any of his powers and perform any of his duties under this Act and the police officer so designated has the powers and duties set out in the designation and where any power is conditional on the opinion of the chief of police, the requisite opinion shall be that of the police officer so designated.

Application of s. 23 R.S.O. 1980, c. 381

15.—(1) Where the chief of police has caused disciplinary proceedings to be taken under the *Police Act* and the regulations thereunder, subsections 23 (6), (8), (13), (14) and (15) of this Act apply with necessary modifications to a hearing held in connection with such proceedings.

Notice of decision

(2) The chief of police or, if he is not the person who holds a hearing referred to in subsection (1), the person who holds the hearing shall give forthwith written notice of his decision together with his reasons therefor to the Commissioner, the complainant and the subject officer.

Police officer may appeal

R.S.O. 1980, c. 381

16. Where a hearing referred to in subsection 15 (1) has been held and a penalty has been imposed upon a subject officer, the officer may appeal in accordance with the provisions of this Act and not as provided in the *Police Act* and the regulations thereunder.

Notice of appeal

17.—(1) A notice of appeal under section 16 shall be served on the Commissioner and the chief of police within fifteen days after the subject officer receives notice of the penalty imposed, and the Commissioner shall notify the complainant forthwith.

Extension of time

(2) Where a notice of appeal is filed after the time set out in subsection (1), the Commissioner shall assign, in accordance with the regulations, the matter to a member of the panel appointed on a recommendation made under subsection 4 (2) who may, if satisfied that there are reasonable grounds for doing so, extend the time for appealing and give such directions as he considers proper consequent upon the extension.

Commissioner may investigate

18.—(1) Notwithstanding any other provision of this Act, the Commissioner may investigate the allegations in the complaint,

(a) at any time after he receives the first interim report under subsection 11 (2) or the thirty-day period mentioned therein has expired;

(b) upon the request of the chief of police; or

(c) where he has reasonable grounds to believe that there has been undue delay or other exceptional circumstances in the conduct of an investigation under section 11.

Review of decision

(2) A decision to take action under clause (1) (c) shall be deemed to be made in the exercise of a statutory power within the meaning of the *Judicial Review Procedure Act*.

R.S.O. 1980, c. 224

Notice to chief of police

(3) The Commissioner shall forthwith notify the chief of police in writing of his intention to conduct an investigation under clause (1) (a) or (c) and shall give his reasons therefor in writing.

Idem

(4) Where the Commissioner conducts an investigation under subsection (1), he shall forward to the complainant, the subject officer, the person in charge of the Bureau and the chief of police an interim report in the prescribed form providing a summary of the investigation to date, not later than thirty days after he has given notification of his intention to conduct an investigation, and shall forward further interim reports to the same persons on a monthly basis during the course of the investigation, and upon the completion of his investigation he shall prepare a final investigation report and forward a copy thereof to the same persons.

Notice of action taken

(5) The chief of police, upon receipt of a final investigation report under subsection (4), shall review the report, together with any final investigation report prepared under subsection 11 (4), and shall make a decision in accordance with section 14 and shall notify all persons in accordance with subsection 14 (6).

Delegation

(6) The Commissioner may designate any person appointed under subsection 3 (3) to exercise any of his powers and perform any of his duties under this Act, and the person so designated has the powers and the duties set out in the designation, and where any power is conditional upon the opinion of the Commissioner, the requisite opinion shall be that of the designated person.

Request for review

19.—(1) Where a complainant is dissatisfied with the decision made on a disciplinary proceeding arising out of his complaint that is not a decision of a board of inquiry or with

action taken by the chief of police under clause 14 (1) (d) or with a decision of the chief of police that no action is warranted, he may within thirty days of receipt of notification under subsection 14 (6) or 15 (2) request the Commissioner to review the matter.

Extension of time

(2) Notwithstanding subsection (1), where the Commissioner is satisfied that there are reasonable grounds for granting an extension the Commissioner may extend the time for requesting a review.

Hearing may be ordered

(3) Where the Commissioner receives a request under subsection (1), he shall review the matter and may, after such review, order a hearing by a board of inquiry if he believes that, in the public interest, such a hearing is required or he may decide to take no further action.

Notice

(4) The Commissioner shall give forthwith written notice to the chief of police, the complainant and the subject officer of his decision under subsection (3) and, where his decision is to take no further action, shall give his reasons therefor.

Where appeal under s. 16

(5) Where a subject officer has appealed under section 16 a hearing ordered under subsection (3) shall be heard together with that appeal.

Powers on investigation or review

20.—(1) For the purposes of an investigation under section 18 or a review under section 19, the Commissioner may, where he has reasonable grounds to believe that it is necessary to do so in furtherance of the investigation or review, after informing the chief of police, enter a police station and examine therein books, papers, documents and things related to the complaint.

Powers on inquiry

R.S.O. 1980, c. 411

(2) For the purposes of an investigation or review, the Commissioner has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such investigation or review as if it were an inquiry under that Act.

Appointment of person to make investigation or review

(3) The Commissioner may, in writing, appoint a person to make any investigation or review he is authorized to make and the person so appointed has all the powers and duties of the Commissioner relating to the investigation and the review.

Identification

(4) The Commissioner shall issue a certificate of appointment to any person appointed to make an investigation or review under subsection (3), which certificate shall contain a photograph of the person appointed, and the person appointed, while exercising any powers or performing any duties in

respect of the investigation or review, shall produce the certificate of appointment upon request.

Report

(5) The person appointed to make an investigation or review shall report the results of his investigation or review to the Commissioner.

Obstruction

(6) No person shall obstruct the Commissioner or a person appointed by him to make an investigation or review or withhold from him or conceal or destroy any books, papers, documents or things related to the investigation or review.

Search warrant

(7) Where a justice of the peace is satisfied upon an *ex parte* application by the Commissioner or by a person appointed by him under subsection (3) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to an investigation or review, the justice of the peace may issue an order authorizing the person making the application, together with such persons as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between 6 a.m. and 9 p.m., standard time, unless the justice of the peace, by the order, otherwise authorizes.

Removal of books, etc.

(8) The Commissioner may, upon giving a receipt therefor, remove any books, papers, documents or things examined under subsection (1) or (7) relating to the investigation or review and shall with reasonable dispatch cause to be made copies of such books, papers or documents and return them promptly thereafter to the person from whom they were removed.

Admissibility of copies

(9) Any copy made as provided in subsection (8) and certified to be a true copy by the Commissioner is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment of experts

(10) The Commissioner may appoint an expert to examine books, papers, documents or things examined under subsection (1) or (7).

Report

21.—(1) Where, after making a review, the Commissioner is of the opinion that a police practice or procedure should be altered, he shall report his opinion and recommendations to the Metropolitan Board of Commissioners of Police, the chief of police and the Metropolitan Toronto Police Association.

Idem

(2) Where, as a result of any matter dealt with under this Act, the Commissioner is of the opinion that a practice or procedure or law affecting the resolution or prevention of public complaints should be altered or implemented, he shall report his opinion and recommendations to the Metropolitan Board of Commissioners of Police, the chief of police and the Metropolitan Toronto Police Association.

Idem

(3) Within ninety days of receiving a report under subsection (1) or (2), the Metropolitan Board of Commissioners of Police shall forward such report along with their comments and any comments submitted to them by the chief of police or the Metropolitan Toronto Police Association, to the Attorney General, the Solicitor General and the Commissioner.

Where board of inquiry to be constituted

22.—(1) Where,

(a) the chief of police has ordered that a matter be heard by a board of inquiry;

(b) a police officer has appealed under section 16; or

(c) the Commissioner has, under subsection 19 (3), ordered a hearing,

a board of inquiry shall be constituted in accordance with this section.

Assignment to board of inquiry

(2) Where, in the opinion of the Commissioner, the hearing involves misconduct by a subject officer that is of a minor nature, he shall assign, in accordance with the regulations, a member of the panel who was appointed on a recommendation made under subsection 4 (2) to sit alone to conduct the hearing.

Idem

(3) Where, in the opinion of the Commissioner, the hearing involves misconduct by a subject officer that is of a serious nature, he shall assign, in accordance with the regulations, three members of the panel to conduct the hearing.

Constitution of board R.S.O. 1980, c. 381

(4) Where, following a disciplinary hearing under the *Police Act* a board of inquiry is to be constituted, the board shall be constituted in accordance with subsection (3).

Who shall be on board

(5) The chairman of a board of inquiry constituted under subsection (3) or (4) shall be a person appointed to the panel on a recommendation made under subsection 4 (2), one member shall be a person appointed to the panel on a recommendation made under subsection 4 (3) and one member shall be

a person appointed to the panel on a recommendation made under subsection 4 (4).

Statement of alleged misconduct

(6) The chief of police, where he has ordered a hearing, and the Commissioner, where he has ordered a hearing, shall provide the parties with a concise statement of the allegations of misconduct to be heard by the board.

Record

(7) Where, following a hearing referred to in subsection 15 (1), a board of inquiry has been constituted, the chief of police shall forward the record of that hearing, including the transcript, all documents, evidence and exhibits considered at that hearing, to the board.

Costs of record

(8) Where the Commissioner has ordered the hearing he shall pay the costs of preparing the record.

When hearing *de novo* and when on record

23.—(1) The hearing before the board of inquiry shall be *de novo*, except where the chief of police has prepared a record under subsection 22 (7), in which case the hearing shall be on the record but the board may, in special circumstances, hear such evidence as the board considers advisable.

Parties

(2) The parties to a hearing shall include,

(a) the chief of police, in respect of appeals instituted by the subject officer under section 16; and

(b) the Attorney General, except where an appeal has been instituted by the subject officer under section 16.

Adding parties

(3) A party may be added by the board at any stage of the hearing upon such terms as the board considers proper.

Attorney General to have carriage

(4) The Attorney General, where he is a party to the hearing, has carriage of the matter.

Notice of hearing

(5) The board shall appoint a time for a hearing and give written notice thereof to the parties.

Opportunity to examine evidence

(6) The subject officer and the complainant shall be afforded an opportunity to examine before the hearing any physical or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Board not to communicate with party

(7) The board conducting a hearing shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representa-

tive except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Oral evidence

(8) The oral evidence given at the hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Adjournment for view

(9) The board may, where it appears to be in the interests of justice, direct that the board and the parties and their counsel or representatives shall have a view of any place or thing, and may adjourn the hearing for that purpose.

Only members at hearing to participate in decision

(10) No member of the board shall participate in a decision following the hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision shall be given unless all members so present participate in the decision.

Decision

(11) A decision of a member of a board of inquiry sitting alone and a decision of a majority of the members of a board comprising three members is a decision of the board.

Release of documents

(12) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him within a reasonable time after the matter in issue has been finally determined.

Police officer not required to give evidence
R.S.O. 1980, c. 484

(13) Notwithstanding section 12 of the *Statutory Powers Procedure Act*, the subject officer shall not be required to give evidence at the hearing nor shall any statement or answer required to be given by him in respect of the complaint made against him be admitted in evidence at the hearing, except with his consent.

Statement or admission not admissible in evidence

(14) Where the person in charge of the Bureau or the Commissioner attempts to resolve a complaint informally and the complaint is not so resolved, any statement or admission made during such attempt by the subject officer or by the complainant shall not be admitted in evidence at the hearing, except with the consent of the subject officer or the complainant, as the case may be.

Proof of misconduct

(15) No finding of misconduct by the subject officer shall be made unless the misconduct is proved beyond a reasonable doubt.

Imposition of penalty

(16) Where a board constituted under subsection 22 (2) finds the subject officer guilty of misconduct, it may,

(a) direct that days off not exceeding five days be forfeited;

(b) direct that pay not exceeding three days pay be forfeited; or

(c) reprimand the police officer.

Idem

(17) Where a board constituted under subsection 22 (3) finds the subject officer guilty of misconduct, it may,

(a) dismiss the police officer from the Metropolitan Police Force, whereupon the officer is thereby dismissed;

(b) direct that the police officer resign from the Metropolitan Police Force and, in default of resigning within seven days, be summarily dismissed;

(c) reduce the police officer in rank or gradation of rank and in pay in accordance with the rank to which he is reduced;

(d) direct that days off not exceeding twenty days be forfeited;

(e) direct that pay not exceeding five days pay be forfeited; or

(f) reprimand the police officer, which reprimand may be in lieu of or in addition to any other penalty imposed.

Notice of decision

(18) The board shall give forthwith written notice of its decision and the reasons therefor to the chief of police, the complainant, the subject officer, the Commissioner, the Solicitor General and the Attorney General.

No reference to hearing

(19) No reference to a hearing conducted by the board shall be made in the personal record of the subject officer unless the board has made a finding of misconduct.

Costs may be paid

(20) The Metropolitan Board of Commissioners of Police may, in such cases and to such extent as it thinks fit, pay any legal costs incurred by a subject officer in respect of a hearing conducted by a board and an appeal under section 24.

Appeal

24.—(1) A party to a hearing by a board may appeal within thirty days of the decision of the board to the Divisional Court.

Solicitor General and Attorney General entitled to be heard

(2) The Solicitor General, and the Attorney General where he is not entitled to appeal under subsection (1), are entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

What may be appealed

(3) An appeal under this section may be made on a question that is not a question of fact alone or from a penalty imposed under subsection 23 (17), or on both the question and the penalty.

How notice, etc., may be served

25. Any notice, report or other material required to be given, furnished, forwarded or otherwise served under this Act is sufficiently served if delivered personally or sent by prepaid first class mail addressed to the person on whom service is required to be made at his last known or usual place of abode.

Matters confidential

26.—(1) Every person engaged in the administration of this Act and the regulations, including a member of the Metropolitan Police Force, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties and shall not communicate any such matter to any other person except,

R.S.O. 1980, c. 381

(a) as may be required in connection with the administration of this Act and the regulations or the *Police Act* and the regulations thereunder;

(b) as may be required for the due enforcement of the law;

(c) to his counsel; or

(d) with the consent of the person to whom the matter relates.

Testimony

(2) No person to whom subsection (1) applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, except at a hearing under this Act or in a disciplinary proceeding under the *Police Act* and the regulations thereunder.

What is inadmissible in evidence

(3) No record, report, writing or document arising out of a complaint is admissible or may be used in evidence in any civil suit or proceeding, except at a hearing under this Act or in a

disciplinary proceeding under the *Police Act* and the regulations thereunder.

Idem

(4) No oral statement, answer or admission referred to in subsections 23 (13) and (14) is admissible or may be used in evidence in any civil suit or proceeding, except at a hearing under this Act or in a disciplinary proceeding under the *Police Act* and the regulations thereunder.

R.S.O. 1980, c. 381

Application of 1984, c. 11, s. 146

27. Section 146 of the *Courts of Justice Act, 1984* (photography at court hearing) applies with necessary modifications to a board hearing.

R.S.O. 1980, c. 325 does not apply

28. The *Ombudsman Act* does not apply to anything done under this Act.

Agreement for contributions

29. The Attorney General, with the approval of the Lieutenant Governor in Council, and The Municipality of Metropolitan Toronto may enter into an agreement to provide for the payment by the municipality to the Treasurer of Ontario on such terms and conditions as may be agreed upon of contributions in respect of the moneys required for the purposes of this Act.

Offence

30. Any person who contravenes subsection 20 (6), subsection 26 (1) or section 27 is guilty of an offence and on conviction is liable to a fine of not more than $2,000.

Regulations

31. The Lieutenant Governor in Council may make regulations,

(a) respecting the reporting and publication of decisions of boards of inquiry;

(b) assigning duties to the Commissioner;

(c) establishing a system that provides for the assignment of panel members on a rotational basis;

(d) prescribing forms and providing for their use; and

(e) prescribing any matter that by this Act is required to be or is referred to as prescribed.

Advisory committee

32.—(1) There shall be a committee composed of,

(a) the Deputy Attorney General;

(b) the Deputy Solicitor General;

(c) the chairman of the Ontario Police Commission;

(d) the Commissioner;

(e) the Assistant Deputy Attorney General-Criminal Law; and

(f) such other persons as may be jointly appointed by the Attorney General and the Solicitor General.

Duties

(2) It is the duty of the committee,

(a) to maintain under review the practice and procedures under this Act;

(b) to receive and consider matters brought to the attention of the committee by any person having an interest in the operation of the system for handling complaints under this Act;

(c) to make such recommendations as the committee considers appropriate for the improvement of the system for handling complaints; and

(d) to perform such other duties or functions as the committee may be requested to perform by the Attorney General or the Solicitor General.

Recommendations

(3) Any recommendations made under clause (2) (c) shall be forwarded by the committee to both the Attorney General and the Solicitor General.

Recommendation of Attorney General

33. On or before the day that is three years after the day this Act comes into force, the Attorney General shall, after having reviewed the operation of the panel, the Board and the advisory committee referred to in sections 4 and 32 respectively, recommend to the Lieutenant Governor in Council whether those bodies should continue in existence or be terminated.

Repeal

34.—(1) The *Metropolitan Police Force Complaints Project Act, 1981*, being chapter 43, is repealed.

Proceedings continued under 1981, c. 43

(2) Notwithstanding subsection (1), the *Metropolitan Police Force Complaints Project Act, 1981* shall continue in force and apply to a complaint that is made before the day this Act comes into force, for the purpose of continuing the proceedings in respect of that complaint, but the proceedings at any Board hearing commenced after the day this Act comes into force shall be in accordance with the provisions of this Act.

Commencement

35. This Act comes into force on the 21st day of December, 1984.

Short title

36. The short title of this Act is the *Metropolitan Toronto Police Force Complaints Act, 1984*.

CHAPTER 64

An Act to amend the Courts of Justice Act, 1984

Assented to December 14th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 47 (2) of the *Courts of Justice Act, 1984*, being chapter 11, is repealed.

2. Clause 56 (1) (b) of the said Act is amended by striking out "61" in the second line and inserting in lieu thereof "60".

3.—(1) Section 67 of the said Act is amended by striking out "62" in the fourth line and inserting in lieu thereof "61".

(2) Section 67 of the said Act is further amended by adding thereto the following subsection:

(2) The Provincial Court (Criminal Division) is a youth court for the purposes of the *Young Offenders Act* (Canada). Idem S.C. 1980-81-82-83, c. 110

4. Subsection 75 (2) of the said Act is repealed.

5. Subsection 86 (4) of the said Act is amended by adding at the end thereof "and, with the approval of the Attorney General, every clerk and bailiff of the Provincial Court (Civil Division) in an area that is not designated under clause 87 (1) (g) may appoint in writing a deputy who may exercise and perform all the powers and duties of the clerk or bailiff".

6. Clause 89 (1) (i) of the said Act is amended by striking out "or" in the first line and inserting in lieu thereof "and".

7. Clause 90 (1) (d) of the said Act is amended by adding at the end thereof "and authorizing the Court of Appeal to determine in the first instance a special case arising in a proceeding commenced in the High Court or the District Court".

8. Section 126 of the said Act is amended by inserting after "claim" in the second line "or crossclaim".

9. Subsection 141 (1) of the said Act is amended by inserting after "of" in the second line "and incidental to".

10. Section 179 of the said Act is amended by adding thereto the following subsection:

Application
R.S.O. 1980, c. 152

(5) Notwithstanding subsection (4), subsection 30 (2) of the *Family Law Reform Act* continues to apply in respect of attachment orders made before subsection (4) comes into force.

Commencement

11.—(1) This Act, except sections 2, 3, 5, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2, subsection 3 (1) and sections 5, 8, 9 and 10 come into force on the day the sections they amend, respectively, are proclaimed in force under section 221 of the *Courts of Justice Act, 1984*.

1984, c. 11

Idem

(3) Subsection 3 (2) comes into force on the 1st day of April, 1985, notwithstanding section 221 of the *Courts of Justice Act, 1984*.

Short title

12. The short title of this Act is the *Courts of Justice Amendment Act, 1984*.

CHAPTER 65

An Act to amend the Residential Complexes Financing Costs Restraint Act, 1982

Assented to December 14th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 7 (1) of the *Residential Complexes Financing Costs Restraint Act, 1982*, being chapter 59, as re-enacted by the Statutes of Ontario, 1983, chapter 69, section 1, is repealed and the following substituted therefor:

(1) This Act is repealed on the 31st day of December, 1985. Repeal

(2) Subsection 7 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 69, section 1, is further amended by striking out "1984" in the amendment of 1983 and inserting in lieu thereof "1985".

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Residential Complexes Financing Costs Restraint Amendment Act, 1984*. Short title

CHAPTER 66

An Act to amend the Ministry of Correctional Services Act

Assented to December 14th, 1984

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Ministry of Correctional Services Act*, being chapter 275 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 55, section 221, is repealed and the following substituted therefor:

1. In this Act, Interpretation

(a) "compassionate allowance" means an allowance made under section 13 of this Act and the regulations;

(b) "correctional institution" means a correctional institution established or continued under section 14 and does not include a place of open custody, a place of secure custody, a place of temporary detention, a training school established or authorized under the *Training Schools Act*, or a lock-up established under section 206 of the *Municipal Act*; R.S.O. 1980, cc. 508, 302

(c) "Deputy Minister" means the Deputy Minister of Correctional Services;

(d) "inmate" means a person confined in a correctional institution or otherwise detained in lawful custody under a court order, but does not include a young person within the meaning of the *Young Offenders Act* (Canada); S.C. 1980-81-82-83, c. 110

(e) "maximum security place of custody" means a place of secure custody in which the Minister has established a maximum security custody program;

(f) "medium security place of custody" means a place of secure custody in which the Minister has established a medium security custody program;

(g) "Minister" means the Minister of Correctional Services;

(h) "Ministry" means the Ministry of Correctional Services;

(i) "parole" means authority granted to an inmate to be at large during the inmate's term of imprisonment;

(j) "parolee" means an inmate who has been granted parole under this Act;

(k) "place of open custody" means a place or facility designated as a place of open custody under subsection 24 (1) of the *Young Offenders Act* (Canada) and operated by or for the Minister;

S.C. 1980-81-82-83, c. 110

(l) "place of open temporary detention" means a place of temporary detention in which the Minister has established an open detention program;

(m) "place of secure custody" means a place or facility designated for the secure containment or restraint of young persons under subsection 24 (1) of the *Young Offenders Act* (Canada) and operated by or for the Minister;

(n) "place of secure temporary detention" means a place of temporary detention in which the Minister has established a secure detention program;

(o) "place of temporary detention" means a place or facility designated as a place of temporary detention under subsection 7 (1) of the *Young Offenders Act* (Canada) and operated by or for the Minister;

(p) "prescribed" means prescribed by the regulations;

(q) "probation" means the disposition of a court authorizing a person to be at large subject to the conditions of a probation order or community service order;

(r) "provincial director" means a provincial director appointed under clause 45 (1) (a);

(s) "regulations" means the regulations made under this Act;

(t) "remission" means statutory or earned remission, as the case requires;

(u) "young person" means a person who is, or, in the absence of evidence to the contrary, appears to be,

(i) sixteen years of age, or more, but

(ii) under eighteen years of age,

and includes a person eighteen years of age or more charged with having committed an offence while the person was sixteen years of age or more but under eighteen years of age, but does not include an inmate or a person who is a young person within the meaning of the *Young Offenders Implementation Act, 1984*. 1984, c. 19

2. Section 4 of the said Act is repealed and the following substituted therefor:

Functions of Ministry

4. It is the function of the Ministry to supervise the detention and release of inmates, parolees, probationers and young persons and to create for them a social environment in which they may achieve changes in attitude by providing training, treatment and services designed to afford them opportunities for successful personal and social adjustment in the community, and, without limiting the generality of the foregoing, the objects of the Ministry are to,

(a) provide for the custody of persons awaiting trial or convicted of offences;

(b) establish, maintain and operate correctional institutions;

(c) provide for the open custody, secure custody and temporary detention of young persons awaiting trial, found guilty or convicted of offences;

(d) establish, maintain and operate places of open custody, secure custody and temporary detention;

(e) provide programs and facilities designed to assist in the rehabilitation of inmates and young persons;

(f) establish and operate a system of parole;

(g) provide probation services;

(h) provide supervision of non-custodial dispositions, where appropriate; and

(i) provide programs for the prevention of crime.

3. Subsection 8 (1) of the said Act is repealed and the following substituted therefor:

Agreements

(1) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Crown in right of Ontario, make agreements with the Crown in right of Canada or of any province of Canada or with any municipality respecting,

(a) the exchange of services provided by the Ministry;

(b) the transfer of inmates or of young persons serving custodial sentences;

(c) any matter relating to the supervision and rehabilitation of an inmate, parolee, probationer or young person; or

(d) any matter for the administration of which the Minister is responsible.

Persons under sixteen
S.C. 1980-81-82-83, c. 110

(1a) With the approval of a provincial director, services may be provided under this Act to a person who is a young person within the meaning of the *Young Offenders Act* (Canada) but not within the meaning of clause 1 (u).

Idem

(1b) A person who is the subject of an approval under subsection (1a) shall be deemed to be a young person for the purposes of this Act.

4. Clause 10 (a) of the said Act is amended by inserting after "(Canada)" in the fourth line "the *Young Offenders Act* (Canada), the *Provincial Offences Act*".

5. Section 11 of the said Act is repealed and the following substituted therefor:

Designation of peace officers

11.—(1) The Minister may designate in writing,

(a) a person who is an employee of the Ministry or is employed at a place of open custody, secure custody or temporary detention, to be a peace officer

while performing the person's duties and functions; or

(b) a class or classes of persons from among the persons described in clause (a), to be peace officers while performing their duties and functions,

and may set out in the designation any conditions or limitations to which it is subject.

(2) A designation under subsection (1) is not a regulation within the meaning of the *Regulations Act*. Designation not a regulation R.S.O. 1980, c. 446

6. Subsection 12 (1) of the said Act is amended by striking out "or probationer" in the seventh line and inserting in lieu thereof "probationer or young person".

7. Section 13 of the said Act is repealed and the following substituted therefor:

13. The Lieutenant Governor in Council may pay a compassionate allowance in the prescribed manner and amounts as compensation to an inmate or young person for permanent disability arising from an injury suffered while engaged in an authorized activity at a correctional institution or place of open custody, secure custody or temporary detention or to any other person for injury or damage inflicted upon that person by an inmate or young person while under the custody and supervision of the Ministry. Compassionate allowance

8. Section 16 of the said Act is amended by adding thereto the following subsection:

(3) Subsections (1) and (2) do not apply to young persons. Exception

9. Part III (Parole) of the said Act is amended by adding thereto the following section:

30a. In this Part, "Board" means the Board of Parole continued by section 31. Interpretation

10. Subsection 42 (3) of the said Act is repealed.

11. Section 44 of the said Act is repealed.

12.—(1) Part V of the said Act is repealed and the following substituted therefor:

PART V

YOUNG PERSONS

Interpretation

44. In this Part, "Board" means the Custody Review Board established by subsection 50 (1).

Appointments by Minister

45.—(1) The Minister may appoint any person as,

(a) a provincial director, to perform any or all of the duties and functions of a provincial director,

S.C. 1980-81-82-83, c. 110

(i) under the *Young Offenders Act* (Canada), and

(ii) under the regulations; and

(b) a youth worker, to perform any or all of the duties and functions of a youth worker,

(i) under the *Young Offenders Act* (Canada), and

(ii) under the regulations.

Limitations, etc., on appointments

(2) The Minister may set out in an appointment made under subsection (1) any conditions or limitations to which it is subject.

(2) The said Act is amended by adding thereto the following section:

Secure and open temporary detention programs

46.—(1) The Minister may establish,

(a) secure temporary detention programs, in which restrictions are continuously imposed on the liberty of young persons by physical barriers, close staff supervision or limited access to the community; and

(b) open temporary detention programs, in which restrictions that are less stringent than in a secure temporary detention program are imposed on the liberty of young persons,

in places of temporary detention.

Maximum and medium security custody programs

(2) The Minister may establish,

(a) maximum security custody programs, in which restrictions are continuously imposed on the liberty of young persons by physical barriers, close staff supervision or limited access to the community; and

(b) medium security custody programs, in which restrictions that are less stringent than in a maximum security custody program are imposed on the liberty of young persons,

in places of secure custody.

(3) The said Act is further amended by adding thereto the following section:

Bailiffs

47.—(1) Section 19 (provincial bailiffs) applies with necessary modifications to the transfer of young persons in accordance with this Act and the *Young Offenders Act* (Canada).

Directors, superintendents

(2) Subsections 20 (1) and (2) (director or superintendent) apply with necessary modifications to places of open custody, secure custody and temporary detention.

Employee interest in contracts

(3) Section 30 (employee interest in contracts) applies with necessary modifications in respect of places of open custody, secure custody and temporary detention and in respect of young persons.

(4) The said Act is further amended by adding thereto the following sections:

Open detention unless provincial director determines otherwise S.C. 1980-81-82-83, c. 110

48.—(1) A young person who is detained under the *Young Offenders Act* (Canada) in a place of temporary detention shall be detained in a place of open temporary detention unless a provincial director determines under subsection (2) that the young person is to be detained in a place of secure temporary detention.

Where secure detention available

(2) A provincial director may detain a young person who is detained under the *Young Offenders Act* (Canada) in a place of secure temporary detention,

(a) if the young person,

(i) is charged with an offence that includes causing or attempting to cause serious bodily harm to another person,

(ii) has, at any time, failed to appear in court when required to do so under the *Young Offenders Act* (Canada) or the *Juvenile Delinquents Act* (Canada) or escaped or attempted to escape from lawful detention, or

R.S.O. 1970, c. J-3

(iii) has, within the twelve months immediately preceding the offence on which the current charge is based, been convicted of an offence for which an adult would be liable to imprisonment for five years or more; or

(b) where the provincial director is satisfied that it is necessary to detain the young person in a place of secure temporary detention,

(i) to ensure the young person's attendance in court, or

(ii) to protect the public interest or safety.

Idem

S.C. 1980-81-82-83, c. 110

(3) Despite subsection (1), a young person who is detained under the *Young Offenders Act* (Canada) in a place of temporary detention may be detained in a place of secure temporary detention for a period not exceeding twenty-four hours while a provincial director makes a determination in respect of the young person under subsection (2).

Review by youth court

R.S.O.1970, c. C-34

(4) A young person who is being detained in a place of secure temporary detention and is brought before a youth court for a review under the *Criminal Code* (Canada) may request that the youth court review the level of the young person's detention, and the youth court may confirm the provincial director's decision under subsection (2) or may direct that the young person be transferred to a place of open temporary detention.

Medium rather than maximum security custody unless provincial director determines otherwise

49.—(1) A young person who is committed to secure custody under the *Young Offenders Act* (Canada) shall be held in a medium security place of custody unless a provincial director determines under subsection (2) that the young person is to be held in a maximum security place of custody.

Where maximum security custody available

(2) A provincial director may place a young person in or transfer a young person to a maximum security place of custody if the young person is committed to secure custody under the *Young Offenders Act* (Canada) and,

(a) the offence for which the young person is committed to secure custody includes causing or attempting to cause serious bodily harm to another person;

(b) the young person has, within the twelve months immediately preceding the offence for which the young person is committed to secure custody,

(i) been held in a maximum security place of custody, or

(ii) been found guilty of an offence for which an adult would be liable to imprisonment for five years or more; or

(c) the provincial director is satisfied that it would not be appropriate to hold the young person in a medium security place of custody, having regard to,

(i) the young person's age and previous history,

(ii) the circumstances of the commission of the offence for which the young person is committed to secure custody,

(iii) the contents of a pre-disposition report,

(iv) the needs of the young person, and

(v) the need to protect the public interest and safety.

Transfer from maximum to medium security custody

(3) A provincial director may transfer a young person from a maximum security place of custody to a medium security place of custody if the provincial director is satisfied that the transfer is justified because the young person has made sufficient progress or for some other appropriate reason.

Reasons

(4) A provincial director who makes a determination under this section shall give written reasons for the determination to the young person.

Custody Review Board

50.—(1) The Custody Review Board is established, composed of the prescribed number of full-time and part-time members appointed by the Lieutenant Governor in Council, and has the powers and duties given to it by this Act and the regulations.

Chairman and vice-chairmen

(2) The Lieutenant Governor in Council may appoint a member of the Board as chairman and may appoint one or more other members as vice-chairmen.

Term

(3) A member of the Board shall hold office for the prescribed term.

Quorum

(4) The prescribed number of members of the Board is a quorum.

Remuneration of part-time members

(5) The members of the Board who are part-time members shall serve without salary but may be paid such expenses and allowances for attendance at meetings and for other attendances in connection with the business of the Board as may be determined by the Lieutenant Governor in Council.

Duties of Board

(6) The Board shall conduct reviews under section 51 and perform such other duties as are assigned to it by the regulations.

Application to Board

51.—(1) A young person may apply to the Board for a review of,

(a) a provincial director's decision to hold the young person in or transfer the young person to a maximum security place of custody;

(b) the particular place where the young person is held or to which the young person has been transferred; or

(c) a provincial director's refusal to authorize the young person's temporary release under section 35 of the *Young Offenders Act* (Canada),

S.C. 1980-81-82-83, c. 110

within thirty days of the decision, placement or transfer, as the case may be.

Duty of Board

(2) The Board shall conduct a review with respect to an application made under subsection (1) and may do so by holding a hearing.

Idem

(3) The Board shall advise the young person whether it intends to hold a hearing or not within ten days of receiving the young person's application.

Idem

(4) The Board shall complete its review and make a determination within thirty days of receiving a young person's application, unless,

(a) the Board holds a hearing with respect to the application; and

(b) the young person and the provincial director whose decision is being reviewed consent to a longer period for the Board's determination.

Board's recommendations

(5) After conducting a review under subsection (2), the Board may,

(a) recommend to the provincial director,

(i) that the young person be transferred to a medium security place of custody,

(ii) where the Board is of the opinion that the place where the young person is held or to which the young person has been transferred is not appropriate to meet the young person's needs, that the young person be transferred to another place, or

(iii) that the young person's temporary release be authorized under section 35 of the federal Act; or

(b) confirm the decision, placement or transfer.

(5) The said Act is further amended by adding thereto the following section:

Pre-trial detention

R.S.O. 1980, c. 400

52.—(1) Where a young person is ordered to be detained in custody under subsection 134 (4) or 135 (2) (pre-trial detention) of the *Provincial Offences Act*, the young person shall be detained in a place of temporary detention.

Open custody for provincial offences

(2) Where a young person is sentenced to a term of imprisonment under the *Provincial Offences Act*,

(a) the term of imprisonment shall be served in a place of open custody, subject to subsections (3) and (4);

S.C. 1980-81-82-83, c. 110

(b) section 35 (temporary release) of the *Young Offenders Act* (Canada) applies with necessary modifications; and

(c) sections 25, 26, 28 and 29 (rehabilitation programs, work outside institution, remission, early release) and Part III (Parole) apply with necessary modifications.

Transfer to place of secure custody

(3) Where in the opinion of the director or superintendent of a place of open custody a young person held there under clause (2) (a) cannot be safely or securely detained in that place, the director or superintendent may transfer the young person to a place of secure custody to be detained there.

Concurrent terms

S.C. 1980-81-82-83, c. 110

R.S.O. 1980, c. 400

(4) Where a young person who is committed to secure custody under the *Young Offenders Act* (Canada) is sentenced concurrently to a term of imprisonment under the *Provincial Offences Act*, the term of imprisonment under the *Provincial Offences Act* shall be served in the same place as the disposition under the *Young Offenders Act* (Canada).

(6) The said Act is further amended by adding thereto the following sections:

Interpretation

53.—(1) In this section and in section 54, "young person in custody" means a young person who is detained in a place of temporary detention or committed to secure or open custody under the *Young Offenders Act* (Canada).

No corporal punishment

(2) A young person in custody shall not be subjected to corporal punishment.

Rights of communication, etc.

(3) A young person in custody has a right,

(a) to speak in reasonable privacy with and receive visits from members of the young person's family regularly;

(b) to speak in reasonable privacy with and receive visits from,

(i) the young person's solicitor,

R.S.O. 1980, c. 325

(ii) the Ombudsman appointed under the *Ombudsman Act* and members of the Ombudsman's staff, and

(iii) a member of the Legislative Assembly of Ontario or of the Parliament of Canada; and

(c) to send and receive mail that is not read, examined or censored by another person, subject to subsection (4).

Opening, etc., of young person's mail

(4) Mail to and from a young person in custody,

(a) may be opened by the director or superintendent or that person's designate in the young person's presence and may be inspected for articles prohibited by the director or superintendent;

(b) where the director or superintendent or that person's designate believes on reasonable grounds that the contents of the mail may be prejudicial to the

best interests of the recipient, the public safety or the security of the place of detention or custody, may be examined or read by the director or superintendent or designate and may be withheld from the recipient in whole or in part;

(c) shall not be examined or read under clause (b) if it is to or from the young person's solicitor, unless there are reasonable and probable grounds to believe that it contains material that is not privileged as a solicitor-client communication; and

(d) shall not be opened and inspected under clause (a) or examined or read under clause (b) if it is from a person described in subclause (3) (b) (ii) or (iii) (Ombudsman, member of Legislative Assembly, etc.).

Personal liberties

(5) A young person in custody has a right,

(a) to have reasonable privacy, and to have possession of the young person's own personal property, except articles prohibited by the director or superintendent; and

(b) to receive the religious instruction and participate in the religious activities of the young person's choice, subject to subsection (8).

Plan of care

(6) A young person in custody has a right to a plan of care designed to meet the young person's particular needs, which shall be prepared within a reasonable time of admission to the place of detention or custody.

Rights to care

(7) A young person in custody has a right,

(a) to participate in the development of the young person's individual plan of care and in any changes made to it;

(b) to receive meals that are well-balanced, of good quality and appropriate for the young person;

(c) to be provided with clothing that is of good quality and appropriate for the young person, given the young person's size and activities and prevailing weather conditions;

(d) to receive necessary medical and dental care, subject to subsection (8), at regular intervals and when-

ever required, in a community setting whenever possible;

(e) to participate in appropriate educational, training or work programs, in a community setting whenever possible; and

(f) to participate in recreational and athletic activities that are appropriate for the young person's aptitudes and interests, in a community setting whenever possible.

Parental consent, etc.

(8) The parent of a young person in custody retains any right that the parent may have,

(a) to direct the young person's education and religious upbringing; and

(b) to give or refuse consent to medical treatment for the young person.

Right to be heard

(9) A young person in custody has a right to be consulted and to express views whenever significant decisions concerning the young person are made, including decisions with respect to medical treatment, training or work programs, education and religion and decisions with respect to the young person's transfer to another place of detention or custody.

Right to be informed

(10) A young person in custody has a right to be informed of,

(a) the young person's rights under this section;

(b) the internal complaints procedure established under subsection 54 (1) and the further review available under section 55;

(c) the review procedures available under section 51 (Custody Review Board);

(d) the young person's responsibilities while in the place of detention or custody; and

(e) the rules governing day-to-day operation of the place of detention or custody, including disciplinary procedures,

upon admission to the place.

Internal complaints procedure

54.—(1) A director or superintendent shall establish a written procedure, in accordance with the regulations, for hearing and dealing with complaints regarding alleged violations of the rights under section 53 of young persons in custody.

Idem

(2) A director or superintendent shall conduct a review or ensure that a review is conducted, in accordance with the procedure established under subsection (1), on the complaint of,

(a) a young person in custody;

(b) the young person's parent; or

(c) another person representing the young person,

and shall seek to resolve the complaint.

Further review

55.—(1) Where a person referred to in subsection 54 (2) who makes a complaint and is not satisfied with the result of the review conducted under that subsection requests in writing that the Minister appoint a person to conduct a further review of the complaint, the Minister shall appoint a person to do so.

Idem

(2) A person appointed under subsection (1) shall review the complaint in accordance with the regulations and may, but is not required to, do so by holding a hearing.

Review and report within thirty days

(3) A person appointed under subsection (1) shall, within thirty days after the day of the appointment, complete the review, set out in a report the person's findings and recommendations, including the reasons for not holding a hearing if none was held, and provide copies of the report to,

(a) the person who made the complaint;

(b) the director or superintendent; and

(c) the Minister.

Minister to advise persons affected of any decision

56.—(1) Where the Minister decides to take any action with respect to a complaint after receiving a report under subsection 55 (3), the Minister shall advise the person who made the complaint and the director or superintendent of the decision.

Remedies preserved

(2) The Minister's decision referred to in subsection (1) does not affect any other remedy that may be available.

13. The said Act is further amended by adding thereto the following Part:

PART VI

GENERAL PROVISIONS

Application of R.S.O. 1980, c. 484

57. The *Statutory Powers Procedure Act* does not apply to proceedings,

(a) for the discipline or transfer of inmates or young persons;

(b) for the grievances of inmates or young persons;

(c) under section 55 (review of young persons' complaints);

(d) for the authorization of temporary absences for inmates or temporary release for young persons; or

(e) of the Board of Parole or of the Custody Review Board,

notwithstanding anything in that Act.

Member of Legislative Assembly

58. Every member of the Legislative Assembly of Ontario is entitled to enter and inspect any correctional institution, community resource centre or other facility established or designated under this Act for any purpose related to the member's duties and responsibilities as a member of the Legislative Assembly, unless the Minister determines that the institution, community resource centre or facility is insecure or an emergency condition exists in it.

Regulations

59. The Lieutenant Governor in Council may make regulations,

(a) respecting the operation, management, inspection and classification of correctional institutions;

(b) respecting the operation, management and inspection of community resource centres;

(c) respecting the establishment, operation, management and inspection of places of open custody, secure custody and temporary detention;

(d) designating correctional institutions as reformatories for the purpose of the *Prisons and Reformatories Act* (Canada); R.S.C. 1970, c. P-21

(e) respecting the treatment, training, employment, discipline, control, grievances and privileges of inmates and young persons;

(f) requiring the maintenance of records and providing for their destruction;

(g) respecting the retention and disposal of the property of inmates and young persons;

(h) providing for the granting of compassionate allowances;

(i) providing for and establishing criteria for the granting of temporary absences or parole in respect of inmates and temporary release in respect of young persons;

(j) establishing rules of procedure for the Board of Parole;

(k) providing for the appointment and remuneration of members of the Board of Parole;

(l) respecting the duties and powers of directors, superintendents, probation officers, parole officers, correctional officers, other employees of the Ministry and volunteers;

(m) prescribing additional duties and functions of provincial directors and youth workers;

(n) prescribing the number of members of the Custody Review Board, their terms of office and the number of members that is a quorum;

(o) prescribing additional powers, duties and procedures of the Custody Review Board;

(p) governing internal complaints procedures to be established under section 54;

(q) establishing procedures for reviews under section 55;

(r) providing for the assessment of inmates and young persons;

(s) providing for and prescribing fees and charges to recover costs incurred by the Ministry;

(t) prescribing forms and providing for their use.

14.—(1) Clauses 1 (c), (d) and (e) of the *Young Offenders Implementation Act, 1984*, being chapter 19, are amended by adding at the end thereof in each case "and operated by or for the Minister".

(2) The said Act is amended by adding thereto the following section:

Approval of provincial director for provision of services to person over sixteen

S.C. 1980-81-82-83, c. 110

3a.—(1) With the approval of a provincial director, services may be provided under this Act to a person sixteen years of age or more who is a young person within the meaning of the *Young Offenders Act* (Canada) but not within the meaning of clause 1 (i).

Person deemed to be young person

(2) A person who is the subject of an approval under subsection (1) shall be deemed to be a young person for the purposes of this Act.

Commencement

15.—(1) This Act, except subsections 12 (2), (4) and (6), comes into force on the 1st day of April, 1985.

Idem

(2) Subsections 12 (2), (4) and (6) come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

16. The short title of this Act is the *Ministry of Correctional Services Amendment Act, 1984*.

CHAPTER 67

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1985

Assented to December 14th, 1984

MOST GRACIOUS SOVEREIGN:

Whereas it appears by messages from the Honourable John B. Aird, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1985; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

$23,250,850,100 granted for fiscal year 1984-85

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole $23,250,850,100 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1984, to the 31st day of March, 1985, as set forth in the Schedule to this Act, and, subject to subsection (2), such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

Exception

(2) Where, in the fiscal year ending the 31st day of March, 1985, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting for expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Supply Act, 1984*.

SCHEDULE

	ESTIMATES $	SUPPLEMENTARY ESTIMATES $	TOTAL $
Office of the Lieutenant Governor	393,300		393,300
Office of the Premier	2,413,000		2,413,000
Cabinet Office	1,635,700		1,635,700
Office of the Deputy Premier	5,688,600		5,688,600
Management Board	176,392,900		176,392,900
Government Services	383,873,700		383,873,700
Intergovernmental Affairs	7,998,300		7,998,300
Northern Affairs	159,397,100		159,397,100
Revenue	630,853,000		630,853,000
Treasury and Economics	676,802,000		676,802,000
Office of the Assembly	32,779,600	2,520,200	35,299,800
Office of the Provincial Auditor	4,151,900		4,151,900
Office of the Ombudsman	5,596,000	279,000	5,875,000
Justice Policy	1,506,500		1,506,500
Attorney General	265,677,000		265,677,000
Consumer and Commercial Relations	112,873,900		112,873,900
Correctional Services	227,610,000		227,610,000
Solicitor General	306,588,400		306,588,400
Resources Development Policy	3,649,700		3,649,700
Agriculture and Food	286,660,100		286,660,100
Energy	116,356,300		116,356,300
Environment	309,890,500		309,890,500
Industry and Trade	77,826,800		77,826,800
Labour	71,681,300		71,681,300
Municipal Affairs and Housing	1,034,472,000		1,034,472,000
Natural Resources	421,976,500		421,976,500
Tourism and Recreation	123,094,800		123,094,800
Transportation and Communications	1,539,323,500		1,539,323,500
Social Development Policy	11,468,600		11,468,600
Citizenship and Culture	171,332,000		171,332,000
Colleges and Universities	2,103,276,000		2,103,276,000
Community and Social Services	2,509,834,700		2,509,834,700
Education	3,222,966,200		3,222,966,200
Health	8,242,011,000		8,242,011,000
TOTAL	23,248,050,900	2,799,200	23,250,850,100

PART II

PRIVATE ACTS

Chapters Pr1 to Pr30

CHAPTER Pr1

An Act to revive Moramos Holding Club of Essex

Assented to May 1st, 1984

Preamble

Whereas Arthur Radu, Ernest King and Thomas Banks hereby represent that Moramos Holding Club of Essex, herein called the Corporation, was incorporated by letters patent dated the 22nd day of October, 1971; that the Minister of Consumer and Commercial Relations by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act, 1976*, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants were members of the Corporation at the time of its dissolution and are members of the on-going organization carried on in its name; that the applicant Arthur Radu was a director of the Corporation at the time of its dissolution and is an officer of the on-going organization; that the applicants Ernest King and Thomas Banks were officers of the Corporation at the time of its dissolution and are officers of the on-going organization; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the function of the Corporation was to represent the continuing realty interests of the Moramos Shrine Club of Windsor, Ontario; that the Corporation at the time of its dissolution was performing that function and since that time that function has continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Revival

1. Moramos Holding Club of Essex is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property,

rights, privileges and franchises and subject to all its liabilities, contract, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Moramos Holding Club of Essex Act, 1984*.

CHAPTER Pr2

An Act to incorporate Central Baptist Seminary and Bible College

Assented to May 1st, 1984

Preamble

Whereas the Central Baptist Seminary hereby represents that it was incorporated by letters patent, dated the 15th day of June, 1949 under the name "Central Baptist Seminary" for the purpose of establishing and maintaining a seminary or school for the education and training of students preparing for Christian work at home and abroad as pastors, missionaries, evangelists, directors of Christian education, deaconesses and Bible School teachers and for biblical training of lay persons, together with such other Christian work and printing, publishing, distributing and selling books and other printed matter; that since that time it has been granting the degrees of Licentiate in Theology, Bachelor of Theology, Bachelor of Religious Education, Master of Divinity, Master of Theology, and Master of Religious Education and Master of Ministries; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration, to exercise suitable powers, rights and privileges, including the power to grant appropriate degrees in the field of religious study; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(a) "Alumni Association" means the alumni association of individuals who have received degrees, diplomas or certificates from the Seminary;

(b) "Biennial Convention" means the convention of appointed messengers from supporting churches of the Fellowship of Evangelical Baptist Churches in Canada called every second year for the purposes of receiving reports and electing directors to the Board of the Seminary;

(c) "Board" means the Board of Directors of the Seminary;

(d) "Charter Corporation" means the Central Baptist Seminary as it existed immediately prior to the coming into force of this Act;

(e) "faculty" means all persons employed by the Seminary to teach and give instruction at the Seminary;

(f) "Seminary" means the Central Baptist Seminary and Bible College as incorporated by this Act.

Application of R.S.O. 1980, c. 95

(2) The *Corporations Act* applies to the Seminary except to the extent that it is inconsistent with this Act.

Charter corporation re-incorporated

2.—(1) The Board of Directors of the Seminary is hereby constituted a body corporate with perpetual succession and a common seal under the name of "Central Baptist Seminary and Bible College".

Rights and liabilities continued

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the Seminary and liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the Seminary.

By-laws, etc., continued

(3) Subject to this Act, all by-laws, resolutions and appointments of the Charter Corporation shall continue as by-laws, resolutions and appointments of the Seminary until amended, repealed or revoked.

Charter Corporation dissolved

(4) The Charter Corporation is dissolved on the day this Act comes into force.

Objects

3. The objects of the Seminary are to educate and train men and women for Christian work at home and abroad as pastors, missionaries, evangelists, directors of Christian education, deaconesses and Bible School teachers.

Board of Directors

4.—(1) The affairs of the Seminary shall be managed by the Board.

Composition

(2) The Board shall be composed of,

(a) eleven members elected for a term of four years by delegates to the Biennial Convention;

(b) the president of the Seminary; and

(c) the president of the Alumni Association.

Voting

(3) The persons referred to in clauses (2) (a) and (b) and only those persons have the right to vote on matters dealt with by the Board.

Delegates

(4) Delegates to the Biennial Convention shall consist of the pastor and two elected messengers from churches within the Fellowship of Evangelical Baptist Churches in Canada and from other supporting Evangelical Baptist churches.

Staggered terms

(5) The Board may by by-law provide for the election and retirement in rotation of the first members of the Board elected under clause (2) (a) and may determine that one or more of the first members so elected shall serve for an initial term of less than four years.

Qualifications

(6) No person shall be elected as a member of the Board unless the person is a Canadian citizen and a member in good standing of a member congregation of the Fellowship of Evangelical Baptist Churches.

First members

(7) Until the Board is reconstituted in accordance with subsection (2), the members of the Board shall be the persons named in the Schedule.

Re-election

(8) Members of the Board shall be elected for a term of four years and are eligible for re-election if otherwise qualified.

Maximum term

(9) No member may be elected for more than two consecutive terms.

Break in service

(10) No member who has served for two consecutive terms is eligible for re-election until the expiration of one year after the end of the second term.

Vacancies

(11) Where a vacancy occurs among the elected members of the Board the remaining members of the Board shall forthwith call a meeting of the Board to elect a new member to fill the vacancy on the Board for the balance of the unexpired term of the vacating member.

Quorum

(12) Unless the by-laws otherwise provide, six members of the Board constitute a quorum for the transaction of business but, in no case shall a quorum be less than two-fifths of the Board.

Majority vote

(13) Questions arising at any meeting of the Board shall be decided by a majority of votes.

Deciding vote

(14) In case of an equality of votes, the chairman of the Board, in addition to his original vote, shall have a second and deciding vote.

Powers of Board

5. The government, conduct, management and control of the Seminary and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Seminary including, without limiting the generality of the foregoing, the power,

(a) to enact by-laws for the conduct of its affairs;

(b) to establish and terminate programmes and courses of study after consideration of the recommendations, if any, of the Academic Council;

(c) to establish, change and terminate academic units and programmes within the Seminary and determine the powers and duties of any such unit;

(d) to approve the degrees granted by the Academic Council;

(e) to appoint, promote, suspend and remove administrative officers of the Seminary and the members of the administrative staff;

(f) to appoint and promote the academic officers and members of the faculty;

(g) to grant leave to and to suspend and remove the academic officers and members of the faculty;

(h) to define the duties of the academic officers, the faculty, the administrative officers and the administrative staff, fix their salaries and remuneration, and provide for such further benefits, provision for retirement, as the Board considers appropriate;

(i) to make such rules and regulations respecting the discipline and dismissal of students as the Board considers necessary;

(j) to appoint committees and to delegate to a committee the power and authority to act for the Board with respect to any matter or class of matters where a majority of the members of the committee are members of the Board;

(k) to federate or affiliate the Seminary with any other institution of higher learning and to dissolve any such federation or affiliation or any existing federation or affiliation or modify or alter the terms thereof;

(l) to establish and collect fees and charges for tuition and services of any kind offered by the Seminary and to collect fees and charges on behalf of any entity, organization or element of the Seminary;

(m) to borrow money for the purposes of the Seminary and give security therefor on such terms and in such amounts as it considers advisable;

(n) to invest all money that comes into the Seminary that is not required to be expended in such manner as it considers advisable and, except where a trust instrument otherwise directs, to combine trust moneys belonging to those trusts into a common trust fund;

(o) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property for the purpose of drawing revenues therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board considers advisable;

(p) to hold, manage, sell or convert any of the real or personal property owned by the Seminary and to invest and reinvest any principal in such manner as it considers advisable;

(q) to acquire and maintain such real property, equipment and furnishings as the Board considers necessary for the operation of the Seminary;

(r) to acquire, accept, solicit or receive any gift;

(s) to make such rules and regulations as the Board considers necessary respecting the management and control of residences and dining halls and the property and operation of the Seminary in general;

(t) to appoint a member or members of the Board or any other person or persons to execute, specifically

or in general, on behalf of the Board documents and other instruments and to affix the corporate seal of the Seminary thereto;

(u) to enact by-laws to regulate the admission of persons who are in good standing with member congregations of the Fellowship of Evangelical Churches of Canada, who are in full accord with and subscribe to the doctrinal statement as set out in the by-law and who are in agreement with the philosophy and objects of the Seminary as members of the Board;

(v) to make recommendations from time to time to the Biennial Convention to amend the doctrinal statement of the Seminary;

(w) to adopt the doctrinal statement of the Seminary as amended from time to time;

(x) to create one or more advisory bodies and to determine the composition, functions and procedures of any such body; and

(y) to confer upon deserving recipients the degree of Doctor of Divinity, *honoris causa*, in recognition of meritorious attainment in Christian scholarship or Ministry.

Officers

6.—(1) There shall be a chairman and vice-chairman, a secretary and a treasurer, or in lieu of a secretary and a treasurer, a secretary-treasurer of the Board and such other officers as the Board may determine from time to time.

Chairman and vice-chairman

(2) The chairman and vice-chairman of the Board shall be elected by the Board from among the Directors elected under clause 4 (2) (a) at the first meeting of the Board after the Biennial Convention, and the chairman and vice-chairman shall hold office until their successors are elected.

Secretary and treasurer

(3) The secretary and treasurer or secretary-treasurer of the Board and any other officers that are appointed by the Board need not be members of the Board.

Absence of chairman

(4) The chairman of the Board shall preside at meetings of the Board, and in his absence, the vice-chairman shall preside.

Executive Committee

(5) There shall be elected by the Board, an Executive Committee consisting of three directors and the president of the Seminary.

Vacancy

(6) If any office referred to in this section is vacant or, if for any reason, any officer is unable to act, the Board may designate another eligible person to fill the vacancy or to act in lieu of the officer.

President and dean

7.—(1) The Seminary shall be administered by a president and dean appointed by and under the direction of the Board.

Duties of president

(2) The president shall,

(a) be responsible for the direction of the administrative staff and the faculty and, as a Board member, may participate in all Board meetings except when the subject-matter of any meeting relates directly to the president or the salary of the president; and

(b) be the chairman of the Academic Council.

Duties of dean

(3) The dean shall,

(a) have general responsibility for the planning and implementation of curriculum and the supervision of academic life;

(b) recommend faculty to the Board; and

(c) serve as liaison between the Board and the faculty.

Academic Council

8.—(1) There shall be an Academic Council of the Seminary composed of,

(a) the president of the Seminary;

(b) the dean of the Seminary; and

(c) all full-time faculty members.

Powers of the Academic Council

(2) The Academic Council has the following powers and duties:

1. To make recommendations to the Board to establish and terminate programmes and courses of study.

2. To determine the curricula of all programmes and courses of study, standards of admission to the Seminary and continued registration therein, and the qualifications for graduation.

3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.

4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement.

5. To award certificates and to grant, subject to Board approval, degrees of Licentiate in Theology, Bachelor of Theology, Bachelor of Religious Education, Bachelor of Religious Studies, Master of Divinity, Master of Theology, Master of Religious Studies, Master of Religious Education and Master of Ministries.

6. To appoint committees and delegate thereto the power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, but where the power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Academic Council or the faculty or a combination thereof.

7. To determine the number of faculty appointed to the Academic Council and to determine the term of office of one, two or three years, as the case may be, for each member.

8. To determine the procedures to be followed in the election of members of the Academic Council, to conduct the elections and to determine any dispute as to the eligibility of a candidate at an election or of a person to vote thereat.

9. To determine the procedures to be followed in the conduct of its affairs.

10. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 9.

Meetings open to public

9.—(1) Subject to subsections (2) and (3), the meetings of the Board and the Academic Council shall be open to the public and prior notice of meetings shall be given to the members of the Board or the Academic Council, as the case may be, and to the public in such manner as the Board or Academic Council shall respectively determine and no persons shall be excluded from a meeting except for improper conduct

as determined by the Board or the Academic Council, as the case may be.

Confidential matters

(2) Where a matter is confidential to the Seminary, that part of a meeting of the Board or the Academic Council concerning that matter may be held *in camera*.

Personal matters

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board or Academic Council, that part of the meeting concerning the individual shall be held *in camera* unless the individual and the Board agree that that part of the meeting be open to the public.

Publication of by-laws

10.—(1) The Seminary shall publish its by-laws from time to time in such manner as it considers proper.

Inspection

(2) The by-laws of the Seminary shall be open to examination by the public during the normal office hours of the Seminary.

Auditors

R.S.O. 1980, c. 405

11.—(1) The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Seminary annually.

Annual audited statements

(2) The annual audited statements of the Seminary shall be made available to all supporters of the Seminary in such manner as the Board determines.

Fiscal year

(3) The fiscal year of the Seminary shall be as established by the Board.

Property

12. All property granted, conveyed, devised or bequeathed to the Charter Corporation, any of its divisions or departments, the Seminary or any person in trust for the benefit of any of them, vests in the Seminary, subject to any trust affecting the property.

References to Charter Corporation

13. For the purposes of construing any document, unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed to refer to the Seminary.

Non-profit corporation

14. The Seminary shall be carried on without the purpose of gain for the members of the Board and any surplus or other accretions to the Seminary shall be used in promoting its objects.

Dissolution

15. In the event of the dissolution or winding up of the Seminary, all its remaining property, after the payment of all

debts and liabilities, shall be distributed to one or more recognized charitable organizations or foundations in Canada having objects of a religious nature as similar as possible to those of the Seminary.

Commencement

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. The short title of this Act is the *Central Baptist Seminary and Bible College Act, 1984*.

SCHEDULE

First Board of Directors of Central Baptist Seminary:

Rev. Jack A. Hannah

Mr. Theodore R. Flemming

Mr. Gordon Stephenson

Mr. David Allison

Dr. Lillian Beattie

Dr. Robert E. J. Brackstone

Rev. Glen R. Goodhand

Dr. W. Halley MacBain

Mr. Murray Pipe

Rev. Stuart N. Silvester

Mr. David Welsh

Rev. George D. Bell (President-*ex-officio*) (as of July 1, 1983)

Rev. Barry Duguid (Alumni President-*ex-officio*)

CHAPTER Pr3

An Act to incorporate the Kitchener and Waterloo Community Foundation

Assented to May 1st, 1984

Preamble

Whereas the persons named in section 2 represent that it is desirable and in the public interest to create a body corporate to receive, maintain, manage, control and use donations for charitable, civic, educational and cultural purposes within the Kitchener Waterloo district; and whereas the applicants hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Board" means the Board of Directors of The Kitchener and Waterloo Community Foundation;

(b) "director" means a member of the Board;

(c) "donor" means any person, firm, organization, corporation or estate who, which or that may make any gift or grant of any property of any nature and wherever situate to The Kitchener and Waterloo Community Foundation;

(d) "Foundation" means The Kitchener and Waterloo Community Foundation;

(e) "Kitchener Waterloo district" means the cities of Kitchener and Waterloo and such part of the surrounding area as, in the opinion of the Board, is readily accessible to Kitchener and Waterloo.

Kitchener and Waterloo Community Foundation incorporated

2.—(1) The members from time to time of the Board of Directors of the Kitchener and Waterloo Community Foundation are hereby incorporated as a corporation without share

capital under the name of "The Kitchener and Waterloo Community Foundation".

First Board

(2) The first members of the Board shall be Walter A. Bean, C.B.E. and William H. Timmis, both of the City of Waterloo, in The Regional Municipality of Waterloo and Gerald E. Eastman, Q.C., Kenneth G. Murray and Frank Morgan, all of the City of Kitchener, in The Regional Municipality of Waterloo.

Head office

3. The head office of the Foundation shall be in the City of Kitchener.

Objects

4.—(1) The objects of the Foundation are to receive, maintain, manage, control and use donations for charitable, civic, educational and cultural purposes within Ontario, and more specifically within the Kitchener Waterloo district and without limiting in any way such purposes, such donations or the income therefrom may be used and shall be available for assisting charitable, civic, cultural and educational institutions, whether supported by private donations or public taxation, for promoting education, for scientific research, for care of the sick, crippled, aged or helpless, to improve living conditions, or to provide recreation and such other charitable purposes as shall best make for the mental, moral and physical improvement of the inhabitants of the Kitchener Waterloo district.

Assistance to other institutions

(2) To carry out the objects of the Foundation, the funds available to it may be used for the assistance of such institutions, organizations, agencies and bodies as may be engaged in the promotion or advancement of the objects of the Foundation or any of them and the Board may determine what institutions, organizations, agencies or bodies, whether or not they are within the Kitchener Waterloo district, are to benefit by that assistance in each year, and to what extent.

Non-application of certain rules of law R.S.O. 1980, c. 5

5.—(1) The rule against perpetuities and the rule against accumulations do not apply to donations made to or moneys held by the Foundation and the *Accumulations Act* does not apply to donations made to or moneys or property held by it.

Application of R.S.O. 1980, c. 95

(2) The *Corporations Act* applies to the Foundation except to the extent that it is inconsistent with this Act.

Application of R.S.O. 1980, cc. 63, 65

(3) The *Charitable Gifts Act* and the *Charities Accounting Act* apply to the Foundation and to all donations made to or moneys or property held by it.

Board of Directors

6.—(1) The affairs of the Foundation shall be managed by the Board.

First Board

(2) The first members of the Board shall serve for a period of three months after the day this Act comes into force and every member is eligible for reappointment as provided for in subsection (3).

Subsequent Boards

(3) Commencing three months after the day this Act comes into force, the Board shall be composed of nine members appointed by the nominating committee provided for in section 7.

Rotation of directors

(4) Three of the members appointed by the nominating committee under subsection (3) shall serve for one year, three of the members shall serve for two years and three of the members shall serve for three years.

Remuneration

(5) The Board of Directors shall serve without remuneration but are entitled to reimbursement of reasonable expenses and, subject to subsection (4), shall be appointed for a term of three years and, subject to subsection (6), are eligible for reappointment.

Reappointment of Board member

(6) No member of the Board is eligible for appointment to more than two consecutive terms but may be reappointed after one year has elapsed from the time the member ceased to hold office.

Vacancy

(7) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by appointment by the nominating committee provided for in section 7.

Idem

(8) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by appointment by the nominating committee provided for in section 7, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.

Nominating

7.—(1) The nominating committee shall consist of the persons holding the following offices from time to time:

1. The Mayor of the City of Kitchener.

2. The Mayor of the City of Waterloo.

3. The Senior Judge of the County Court of the Judicial District of Waterloo.

4. The President of the Kitchener Chamber of Commerce.

5. The President of the Waterloo Chamber of Commerce.

6. The President of the Kitchener Waterloo and Area Federated Appeal.

Idem

(2) If a person holding any of the offices referred to in subsection (1) is unable or unwilling to act as a member of the nominating committee, the other members of the nominating committee shall appoint another person to act as a member during the period in which the original member is unable or unwilling to act.

Meetings of nominating committee

(3) The nominating committee shall meet annually or more often upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy on the Board.

Procedure

(4) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it considers advisable.

Quorum

(5) A quorum of the nominating committee for any meeting shall be not less than three of its members present in person, and a majority vote of all the members of the nominating committee shall be required for the appointment of a member of the Board.

Failure of nominating committee

(6) If the nominating committee fails to appoint a person to fill a vacancy in the membership of the Board within ninety days after the vacancy occurs, the remaining members of the Board may apply to a judge of the Supreme Court to make the appointment, and the judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he considers proper.

Powers of Board

8.—(1) The powers of the Foundation are vested in and shall be exercised by the Board which may pass by-laws to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation.

By-laws

(2) Without limiting the generality of subsection (1), the Board may pass by-laws,

(a) regulating the calling of and the procedures at meetings of the Board, fixing the time and place of such meetings and fixing the fiscal year of the Foundation;

(b) fixing the quorum of the Board;

(c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

Repeal or amendment

(3) Any by-law of the Board may be repealed or amended by the Board in accordance with such rules or regulations as it may prescribe by by-law.

Approval

(4) By-laws of the Board require the approval, either at a meeting or in writing, of the majority of the members of the Board.

Incapacity of member of Board

9. The Board may, by resolution, terminate the term of office of a director who suffers from an incapacity that, in the opinion of the Board, may prevent the director from discharging his or her duties for more than eight months.

Honorary directors

10.—(1) The Board may appoint honorary directors of the Foundation in recognition of their service to the Foundation or their status in the Kitchener Waterloo district and any such appointment may be for any such years, or for life, as the Board may determine and may be terminated by resolution of the Board at any time.

Idem

(2) Honorary directors may be invited to attend meetings of the Board and participate in its discussions but shall not be entitled to vote.

Restriction

11. The Board shall not make loans to the directors, officers or employees of the Foundation and shall not give, directly or indirectly, by means of loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by a director, officer or employee of the Foundation.

Powers

12. The Foundation is empowered,

(a) to receive directly donations of, and hold, control and administer property of every kind wherever situated;

(b) to receive donations or the benefit of donations indirectly, either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of property of every kind wherever situated or the income therefrom;

(c) except as herein or by any particular deed of gift provided, to convert any property at any time and

from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;

(d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board considers proper, and to enter into agreements with such trust companies with respect thereto;

(e) to direct any trust company to manage and administer as a single fund and in such manner as the Board considers advisable any one or more donations held by such trust company for the purposes of the donation under any testamentary document or deed of trust or otherwise;

(f) to lease any lands at any time held by the Foundation except where such lease would contravene a public use agreed upon when the lands were accepted;

(g) to pay and apply the net income from all funds held directly or indirectly by it towards such charitable purposes within the Kitchener Waterloo district as the Board considers advisable;

(h) to pay, apply and distribute such portions as the Board considers advisable of the capital of the funds held directly or indirectly by it, to and for such charitable purposes within the Kitchener Waterloo district as the Board considers advisable but,

(i) unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any financial year, and

(ii) no distribution of capital shall be made without the approval of two-thirds of the directors, given in person at a meeting of the Board or if not present at a meeting, then in writing within the sixty days next after the meeting;

(i) except as herein provided, to control the management and investment of all its funds but, the custody of all securities and the accounting therefor shall be entrusted by the Board to one or more trust companies and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;

(j) to revoke the appointment of any trust company as custodian and to appoint any other trust company as custodian in its place;

(k) to direct the investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada, but the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion considers advisable notwithstanding that it does not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall not be liable, nor shall any trust company or other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets or the investment of any such moneys in accordance with the power and authority given in this clause;

(l) to employ such persons and to take such other action as it considers advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to the income or capital, or both, of the funds of the Foundation as the Board considers advisable;

(m) to set aside or, in its discretion, to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or

apportion any losses or expenses to capital or income as it considers best;

(n) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it considers proper;

R.S.O. 1980, c. 63

(o) subject to the *Charitable Gifts Act*, to carry on a business donated to the Foundation, the net profits from such business to be used for the purposes of the Foundation;

(p) to accumulate net income from year to year with the intention of distributing such accumulation for the purposes of the Foundation;

(q) to set up from time to time a special fund for the relief of persons or families who suffer from death, injury, calamitous deprivation of the necessities of life, health or education as a result of disasters, fires, floods or accidents of major proportions within Ontario that, in the opinion of the Board, merit the establishment of a special fund, and as part of such activity, to solicit and receive funds and to disburse them for such relief and for the expenses of advertising and operating the fund, and for these purposes, the restrictions on the distribution of capital set out in clause (h) shall not apply, provided that any surplus in a special fund may be transferred to the general capital funds of the Foundation;

(r) to refuse to accept any bequest, devise and donation;

R.S.O. 1980, c. 63

(s) subject to the *Charitable Gifts Act*, to retain any property in the form in which it is when received by the Foundation as permanent investment or for such length of time as the Board considers best.

Future vesting

13. When a donation has been made to the Foundation, in trust, of any property to take effect in the future, the Board is empowered to accept and exercise any powers of appointment, settlement or distribution with respect to the income, in whole or in part, derivable from the property in the interim, and to nominate executors and trustees in the manner provided in the instrument creating the trust.

Common trust fund

14.—(1) The Foundation may establish a common trust fund in which property received by the Foundation under

bequests, devises and donations is combined for the purpose of facilitating investments.

By-laws

(2) The Board may, by resolution passed by a majority of the Board, make regulations concerning the operation of the common trust fund, the method of valuation of investments in the fund and the dates upon which the valuation may be made, the distribution of the income of the fund and the property that may be included in it.

Charges

(3) Subject to any conditions imposed by a donor, reasonable administrative expenses incurred by the Board may be charged against all trusts, on a *pro rata* or such other basis as the Board considers equitable.

Direction of donor

(4) A direction in writing by a donor that property included in a donation, bequest or devise shall not be included in the common trust fund is binding on the Board.

Matters to be considered

15.—(1) In deciding the manner in which and the extent to which funds shall be used or applied, the Board shall respect and be governed by any trust imposed by the donor in the instrument creating the trust or effecting the gift of the funds to the Foundation and the requirements of the *Income Tax Act* (Canada).

R.S.C. 1952, c. 148

Variation

(2) If, after the death of a donor, or, if the donor was a corporation, after its winding-up,

(a) conditions arise whereby, in the opinion of the Board, the departure from the terms of the original trust or gift would further the true intent and purpose of the donor; or

(b) changed conditions make it no longer possible, wise, practical or lawful, in the opinion of the Board, to meet the expressed wish of the donor,

the Board may apply to a judge of the Supreme Court, *ex parte*, or on notice to such persons as the judge may direct, for an order that the Board may,

(c) make such departure to further the true intent and purpose of the trust or gift; or

(d) use and apply the funds for such purposes as are, in the opinion of the Board, closest to the original intent and purpose of the donor.

Application of donation

(3) If no conditions are imposed by the donor with regard to the use of the donor's gift, the Board may in its absolute discretion use and apply the gift for such purposes as it considers proper having regard to the provisions of this Act.

Deemed assent by donors

(4) This section shall be deemed to have been assented to by every donor of the Foundation as a condition of the Foundation accepting the gift.

Waiver

(5) Subsection (4) may be waived by the Board at the time of acceptance of a gift.

Donation for specific purpose

16.—(1) The Foundation may accept donations either directly or indirectly, subject to the condition that the income or capital, or both thereof, be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Variation

(2) If the Board is satisfied that conditions are such as to render it impossible, impracticable, inefficient or unwise to expend all or any part of a donation referred to in subsection (1), or the net income derived therefrom at any time for such specific charitable purpose, the Board may apply to a judge of the Supreme Court for direction to use the income or capital, or both, for other purposes of the Foundation.

Management of funds of other organizations

(3) Notwithstanding any other provision of this Act, the Foundation is empowered to receive, invest and manage endowment and capital funds previously held by or anticipated to be received for the account of another Canadian charitable, educational or cultural organization, in accordance with the arrangement between the Foundation and the organization, and the Foundation may, upon request, return to the organization all or any part of such organization's assets held by the Foundation.

Form of words

17. Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute currently or prospectively to the Foundation.

Gifts for benefit of persons outside Kitchener Waterloo district

18. Where property has been donated to the Foundation and the donor wishes that the donation or a portion thereof be used in accordance with the objects of the Foundation but in whole or in part for the benefit of persons not resident in the Kitchener Waterloo district, the Board may accept and exercise the trust in respect of the donation as if it were made for the benefit of residents of the Kitchener Waterloo district, provided the benefit of the donation is directed to be applied for charitable purposes within Canada.

Transfer of assets from other trusts

19.—(1) Where any person holds any property in trust for any purpose of a nature similar, in whole or in part, to the objects of the Foundation that person, as trustee, with the consent of the Foundation, may apply to a judge of the Supreme Court for an order directing the trustee to hand over the property to the Foundation to be used under this Act.

Idem

(2) A judge receiving an application under subsection (1) has the power to make an order for the handing over of the property to the Foundation and any trustee complying with such an order shall thereupon be discharged of all further responsibility in respect of the property.

General fund

20.—(1) Subject to subsection (2), all donations made directly or indirectly to the Foundation may be treated for all purposes as a general fund and in the absence of any direction by the donor, it shall be deemed that all contributions are received as capital and are to be invested and the net income therefrom devoted for charitable purposes as provided in this Act.

Separate fund

(2) In the case of a donation of $50,000 or more, the donor may require that the donation be maintained as a separate fund, in which case, in each year thereafter, a separate accounting thereof shall be set out in the annual audited report.

Acknowledgement of donations

21.—(1) Unless otherwise directed by testamentary document or deed of trust or otherwise, all donations of $100 or more shall be publicly acknowledged in the financial year following that in which they are made, by being set out in the annual audited report, and donations of less than $100 may be consolidated together and shown as one figure in the annual audited report.

Idem

(2) Unless otherwise directed by testamentary document or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in the year following their receipt by being set out in the annual audited report but if one person makes more than one donation, then only the total of that person's donations, as they may be from time to time, need be shown.

Audit

22.—(1) The Foundation shall cause an audit to be made at least once in every fiscal year of the books and records of the Foundation by an accountant licensed under the *Public Accountancy Act* but no person shall be appointed as auditor of the Foundation who is a partner, employer or employee of any member of the Board or officer or employee of the Foundation.

R.S.O. 1980, c. 405

Idem

(2) The audit shall include an examination of all assets held by the Foundation or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, the trustee shall give an accounting thereof to the auditor of the Foundation each year.

Publication of statement

(3) The Foundation shall cause to be published in the newspaper published in the City of Kitchener or in the City of Waterloo, reputed to have the largest circulation therein, a certified statement by the auditor setting out the revenue and expenses, balance sheet and capital account and grants paid of the Foundation or held in trust for the Foundation, but the published statement need not include the names of donors in the years prior to the immediately preceding financial year.

Contents of statement

(4) The statement shall show separately the revenue and expenses, balance sheet and capital account, and grants paid of any fund which is held separately but with respect to other assets may show the same as a general fund.

Idem

(5) The statement shall set out in detail the purposes for which the income has been used and the expenses of the Foundation, all in accordance with generally accepted accounting principles and auditing standards.

Full disclosure

(6) The Board and any trust company holding funds in trust for the Foundation shall give full information and permit all necessary inspection to enable such audit to be made.

Priority of document of trust

23. No power conferred on the Foundation by this Act shall be exercised in respect of any donation in contravention of any express provision to the contrary in the will, deed or other document of trust governing such donation, unless so directed by a judge of the Supreme Court.

Dissolution

24. Upon dissolution of the Foundation and after payment of all its debts and liabilities, its remaining property shall be transferred, subject to any trust affecting any portion of the property, to such charitable organization or organizations in the Kitchener Waterloo district as the Board in its discretion thinks will best carry out the intentions of the individual donors and the purposes of the Foundation.

Commencement

25. This Act comes into force on the day it receives Royal Assent.

Short title

26. The short title of this Act is the *Kitchener-Waterloo Foundation Act, 1984*.

CHAPTER Pr4

An Act to revive Zeta Psi Elders Association of Toronto

Assented to May 1st, 1984

Preamble

Whereas David W. Fairles hereby represents that Zeta Psi Elders Association of Toronto, herein called the Corporation, was incorporated by letters patent dated the 8th day of May, 1940, as a corporation without share capital that was to be carried on without the purpose of gain for its members; that the Minister of Consumer and Commercial Relations by Order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act, 1976*, being chapter 66, and declared the Corporation to be dissolved on July 17, 1979; that through inadvertence the Corporation had failed to give notice of the change of its mailing address, and that as a result, the Notice of Default and the Notice of Dissolution issued on behalf of the Minister were never received by the Corporation or any of its officers or directors; that the applicant was the President and one of the directors of the Corporation at the time of its dissolution; that at the time of dissolution the Corporation held certain assets and real property on behalf of its members; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Zeta Psi Elders Association of Toronto revived

1. Zeta Psi Elders Association of Toronto is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation without share capital incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Zeta Psi Elders Association of Toronto Act, 1984*.

CHAPTER Pr5

An Act respecting the City of Peterborough

Assented to May 1st, 1984

Preamble

Whereas The Corporation of the City of Peterborough hereby represents that it desires to acquire title to the property situate in the City of Peterborough known as R. A. Morrow Memorial Park; that the said property, by deed dated the 3rd day of January, 1938 and registered in the land registry office for the Registry Division of the County of Peterborough on the 15th day of January, 1938 as instrument number 10420, was conveyed to certain trustees and their successors upon the trusts and terms expressed in the deed; that part of the property described in the trust deed was conveyed to the Corporation, as authorized by *The City of Peterborough Act, 1954 (No. 2)*; that under the trust deed, the Peterborough Industrial Society and its successors were to enjoy the use of the lands for the purpose of an industrial and agricultural exhibition grounds and, if the Society or its successors ceased to use the property for such purposes, the Corporation was to receive the enjoyment of the use of the property for the purpose of a public park; that the Society, now known as The Peterborough Agricultural Society, used, and continues to use, the property as an exhibition grounds; that the Society, the Corporation and the trustees of the R. A. Morrow Memorial Park Trust believe that it would be in the best interest of the Society and the Corporation that the property be conveyed to the Corporation to be used for park and recreational purposes and to be used by the Society as an exhibition grounds for an annual exhibition and for other purposes; that the Society, the Corporation and the trustees, by an agreement dated the 15th day of August, 1983 expressed their desire and consent with respect to the said conveyance, subject to the terms and conditions set out in the agreement; that the original trust provided that if the property was not used by the Society or the Corporation as heretofore set out, the property was to revert to the grantor, Harold Archibald Morrow, his heirs, executors and assigns; that it is the intention of the Society and the Corporation that the lands be used in perpetuity in accordance with the agreement; that the property is the only asset of the trust; that it is desirable that the trust be dissolved and the trustees relieved of their obligations subsequent to the conveyance of the property to the Corporation;

1954, c. 123

that the Corporation has been authorized by the Society and the trustees to bring an application for private legislation to authorize the entering of the agreement and to effect the conveyance of the property to the Corporation and to provide for the dissolution of the trust; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "agreement" means the agreement between the trustees of the Park, the Society and the Corporation dated the 15th day of August, 1983, as set out in Schedule A hereto;

(b) "Corporation" means The Corporation of the City of Peterborough;

(c) "Park" means R. A. Morrow Memorial Park in the City of Peterborough as described in Schedule A to the agreement;

(d) "Society" means The Peterborough Agricultural Society;

(e) "trust deed" means the instrument registered as instrument number 10420 in the land registry office for the Registry Division of the County of Peterborough, as set out in Schedule B hereto;

(f) "trustees" means the trustees of the Park.

Parties authorized to enter and perform agreement

2. Notwithstanding any general or special Act nor any terms or conditions set out in the trust deed, the trustees, the Society and the Corporation shall be deemed to have and since the 15th day of August, 1983 to have had the power to enter into and perform the agreement.

Conveyance of Park

3. The Park is hereby vested in the Corporation in fee simple free from all rights, trusts, interests and limitations and restrictive covenants but subject to,

(a) the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown;

(b) the mutual covenants and agreements and the terms and conditions set out in the agreement.

Amendments to agreement

4.—(1) The Society and the Corporation may from time to time amend the agreement.

Exception

(2) An amendment to the agreement shall not release the Corporation from its obligation under the agreement to use the Park for park and recreation purposes.

Binding effect of agreement

5.—(1) The agreement, as amended from time to time, shall be deemed to run with the land and shall bind the Society, the Corporation and their successors in title.

Registration of agreement

(2) The Corporation shall cause a copy of this Act and the agreement to be registered in the proper land registry office within sixty days of the day this Act comes into force.

Registration of amendments

(3) The Corporation shall cause a copy of every amendment to the agreement to be registered in the proper land registry office within sixty days of its execution by the Society and the Corporation.

Dissolution of trust

6.—(1) The trustees may apply to the local judge of the Supreme Court for a declaration that the trust is dissolved.

Idem

(2) In an application under subsection (1) the local judge shall consider any question arising in the course of the proceedings, including the settlement and passing of accounts of the trust, and may settle and decide any question or claim incidental to the winding-up and dissolution of the trust, except the conveyance of the Park to the Corporation and any terms of the attached agreement.

Idem

(3) In the case of a contest, the local judge may decide any question or claim on the evidence, or may direct any mode of investigation that he or she considers expedient and may defer the granting of the declaration of dissolution of the trust until all questions and claims are decided.

Idem

(4) The local judge shall declare the R. A. Morrow Memorial Park Trust dissolved when he is satisfied that all matters incidental to the dissolution of the trust have been decided.

Revival of trust

7. Notwithstanding any other provision of this Act, if the Corporation ceases to use the Park for park and recreation purposes, the Corporation shall be deemed at that time to have acquired the land as trustee subject to the trusts set out in the trust deed, as if the Corporation had originally been

named in the trust deed as the trustee in the place and stead of the grantees named therein.

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is the *City of Peterborough Act, 1984*.

Schedule A

THIS AGREEMENT MADE THIS 15TH DAY OF AUGUST, 1983.

BETWEEN:

HERBERT IAN BRADBURN, and

WILLIAM ROSS THOMPSON, and

WILLIAM MAXWELL COMSTOCK, and

HUGH FRANKLIN WADDELL, all

being the TRUSTEES of the

R.A. MORROW MEMORIAL PARK

(hereinafter referred to as "The Trustees")

—and—

THE PETERBOROUGH AGRICULTURAL SOCIETY

(hereinafter referred to as "The Agricultural Society")

—and—

THE CORPORATION OF THE CITY OF PETERBOROUGH,

(hereinafter referred to as "The City")

WHEREAS by Deed dated the Third day of January, 1938, and registered in the Registry Office for the Registry Divison of the County of Peterborough on the Fifteenth day of January, 1938, as Instrument Number 10420 for the Township of North Monaghan, the lands now situate in the City of Peterborough and composed of Park Lots Numbers 18, 19 and 20 in Township Lot Number 14 in the 11th Concession of the Township of North Monaghan were conveyed to certain Trustees and their successors, upon the Trusts and terms expressed in the said Deed;

AND WHEREAS the Trustees named herein are the successors in office and have been entrusted by powers of appointment to carry out the terms of the said Trust;

AND FURTHER WHEREAS part of the said property was conveyed to The Corporation of the City of Peterborough by the said Trustees and with the consent of The Peterborough Industrial Society upon the terms and conditions expressed in a Deed made the Ninth day of November, 1956, and registered on the Ninth day of May, 1958 in the Land Registry Division of Peterborough as Instrument Number 89185, in accordance with the provisions of *The City of Peterborough Act 1954 (Number 2)*;

AND WHEREAS the Peterborough Agricultural Society is the successor of the Peterborough Industrial Society in accordance with *The Agricultural Societies Act* of the Province of Ontario, as amended from time to time;

AND FURTHER WHEREAS the Peterborough Agricultural Society and its predecessor, the Peterborough Industrial Society received the benefit of the use of the said property upon the terms and conditions expressed in the said Deed being Instrument Number 10420;

AND WHEREAS the Agricultural Society and the City have requested the Trustees to enter into this Agreement in order that the property may be used in the manner herein provided for and for the greater benefit of the citizens of the City and County of Peterborough.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained and subject to the terms and conditions hereinafter set out the parties agree as follows:

DEFINITIONS

1. In this Agreement:

(a) "The City" means the Corporation of the City of Peterborough;

(b) "The Trustees" refers to the Trustees, from time to time, duly appointed to carry out the provisions expressed in the Trust Deed being Instrument Number 10420 as registered in the Land Registry Division of the County of Peterborough;

(c) "The Agricultural Society" means the Peterborough Agricultural Society as organized and constituted pursuant to *The Agricultural Societies Act,* R.S.O. 1980, Chapter 14, and predecessors or successors of the said Act.

(d) "The land" shall mean that land described in Schedule "A" to this Agreement.

(e) "the property" shall mean and include the land described in Schedule "A" as annexed hereto and all buildings, fixtures, and chattels affixed to the land,

(f) "City Engineer" means the Engineer for the time being of the Corporation of the City of Peterborough,

(g) "services" or "facilities" includes sewers, grading, drainage works, roads, curbs, sodding, landscaping, sidewalks, walkways, fencing and other works required to be provided pursuant to this Agreement,

(h) where the context permits, words importing the singular number or the masculine or neuter gender also include more persons, parties or things of the said kind than one, and females as well as males,

(i) "specifications" means any and all specifications, plans or drawings at any time furnished for the carrying out of this Agreement including any and all plans, and terms expressed therein, which are attached to this agreement.

PART I

CONVEYANCE AND VESTING OF THE PROPERTY

2. The parties hereby agree that the property shall be conveyed to, and vested in, the City in accordance with the terms and conditions expressed herein. The property shall be under the exclusive control of the City subsequent to the conveyance of the property, subject to the continuing rights of the Agricultural Society outlined herein and subject to the condition that it be used for park and recreation purposes.

PERFECTING THE CONVEYANCE

3. The parties agree to take and do all requisite acts to perfect the said conveyance of the property and to execute all instruments or documents to implement the said conveyance. The parties hereby grant their consent to the City of Peterborough to make application to the Legislative Assembly of Ontario in order to pass legislation that shall:

(a) empower to the Trustees to convey the said property to the City, subject to any rights and reservations in the Crown, and

(b) absolve the Trustees and the Agricultural Society from any and all liability arising by virtue of the said conveyance and provide adequate protection thereto.

The application and all expenses and costs thereto shall be the responsibility of the City.

TRUSTEES CONSENT CONDITIONAL

4. The consent of the Trustees to perfect the conveyance of the property is conditional upon the passage of the said legislation specified in Paragraph 3 to this Agreement.

PART II

IMPROVEMENTS TO THE PROPERTY

5. The parties agree and acknowledge that the City may implement a program of rehabilitation and improvement in reference to the said property in accordance with the specifications and conditions hereinafter set out in this Agreement.

CITY TO SUPPLY LABOUR, SERVICES, AND MATERIAL

6. The City shall at its expense (except as otherwise specifically provided) provide all and every kind of labour, superintendence, management, materials and all other services for the due execution and completion of all and every of the works or undertakings referred to in this Agreement.

EXISTING FACILITIES

7. The Plan attached hereto and marked as Schedule "B" to this Agreement outlines the existing facilities on the land.

7A. The Society shall have the right, at their expense, to erect and maintain two signs for year round display for the purpose of

advertising the Peterborough Exhibition at mutually acceptable locations.

SITE PLAN

8. The parties agree to the development of the property in accordance with the Site Plan attached hereto and marked as Schedule "C" to this Agreement. Minor alterations to the Plan may be made at the discretion of the City Engineer. Any alteration which would result in an area change of a building or facility shall require the consent of the Agricultural Society.

IMPLEMENTATION OF THE SITE PLAN

9. The City shall develop the property in accordance with the Site Plan and provide all site features, facilities, and services as shown pursuant to the plan.

CONDITIONS OF DEVELOPMENT

10. The following terms and conditions shall govern the development of the said lands:

(a) the entrance gate to R.A. Morrow Memorial Park shall be retained and maintained by the City;

(b) the fountain situate on the property shall be retained, and, if moved, then relocated to another part of the property. The Agricultural Society is to approve of any relocation of the fountain.

(c) if the City erects a building with a minimum floor area as specified in Paragraphs 10 (e), (g) & (h), which would include ties for 240 animals, a judging pavilion, washrooms and wash racks, the City would be at liberty to demolish or remove the following buildings as identified on Schedule "B":

LIST OF BUILDINGS TO BE DEMOLISHED OR REMOVED

Building	#4	120′ x 32′ =	3840 sq. ft.
"	#5	120′ x 32′ =	3840 sq. ft.
"	#6	100′ x 60′ =	6000 sq. ft.
"	#7	135′ x 32′ =	4320 sq. ft.
"	#8	94′ x 39′ =	3666 sq. ft.
"	#9	155′ x 39′ =	6045 sq. ft.
"	#10	120′ x 39′ =	4680 sq. ft.
"	#11	125′ x 25′ =	3125 sq. ft.
"	#12	200′ x 25′ =	5000 sq. ft.
Total Area = Approximately			40,516 sq. ft.

(d) The buildings shown as #2 and #3 on the said Plan may also be removed on the condition that building #6 (the existing judging pavilion, being approximately 100′ x 60′) is relocated to the southside of the Drill Hall and retained for use by the Agricultural Society. This work shall not be undertaken prior to August 1, 1983 unless Building #6 can be relocated and appropriately placed in its new location with a new concrete floor completed prior to the commencement of the 1983 Exhibition. This undertaking may commence after November 1, 1983 at the discretion of the City.

DESIGN OF NEW BUILDING

(e) The design and appropriate specifications of a new building shall be subject to the review and approval of a duly appointed Committee specified by The Agricultural Society and appropriate representatives named by the City of Peterborough. The said Committee and City representatives shall approve of the design and specifications for the said building no later than July 29th, 1983.

The new building shall include ties for two hundred and forty (240) animals and appropriately accommodate such animals. It shall be capable of having a judging pavillion and shall have appropriate washrooms and wash racks to serve users of the facility. The building shall have a minimum floor area of twenty-one thousand, six hundred (21,600) square feet exclusive of washrooms.

A livestock unloading platform will be located as specified by Society representatives on the Building Committee. The firm of Lawrence W. Argue and Associates, Consulting Engineers, shall provide appropriate consulting service in regard to the design of the new building. The cost to retain the said Consulting Engineers shall be borne equally by the City and the Society.

CONSTRUCTION OF THE NEW BUILDING

(f) The conduct of the work and construction of the new building shall be managed by the City, subject to the appropriate direction of the Consulting Engineers. The City shall provide all labour and materials for the construction of the new building, with the exception of the portable stalls which shall be provided at the expense of the Agricultural Society. The City shall provide the labour for the construction and installation of the portable stalls. The materials to be utilized for the construction of the stalls shall be selected at the option of the Agricultural Society.

NEW BUILDING—INCREASE IN SIZE

(g) It is agreed that at the option of the Society if the Agricultural Society should require additional floor space for the new building, as contracted for by the City, the said Society shall provide notice of its request for more space to the City Engineer and Consulting Engineers no later than fourteen (14) days after the City has accepted the tender for the construction of the new building. The plans for the construction of the new building shall be altered accordingly, and all costs and expenses in excess of $364,000.00 in relation to the provision of the additional space shall be borne by the Agricultural Society.

Notwithstanding any other provision in this Agreement, the prospective liability of the City in relation to the construction of a new building is recognized by all parties to be limited to $364,000.00.

(h) The City shall tender for the construction of the new building and the tender shall allow for the following:

(a) the projected cost for the construction of the 21,600 square foot building.

(b) the projected cost, for the construction of a building of 23,763 square feet (90 feet x 264 feet).

The City agrees and warrants that it shall construct the 23,763 square foot building if the projected cost for such construction does not exceed $364,000.

SCHEDULE FOR DEMOLITION OF EXISTING BUILDINGS

(i) No buildings presently on the site shall be demolished or moved by the City until the plans and specifications of any new building to be constructed by the City have been approved by the Consulting Engineers, the Committee appointed by the Agricultural Society and the representatives of the City.

EXECUTION OF WORK DIRECTED BY THE CITY ENGINEER

11. (a) The work shall be commenced, carried on and undertaken to completion by the City, in all its several parts, in such a manner and at such points and places as the City Engineer shall from time to time direct, and to his satisfaction and pursuant to his control and supervision, but always according to the provisions of this contract, and if no direction is given by the City Engineer, then in a careful, prompt, and workmanlike manner.

CONSULTING ENGINEER SOLE JUDGE OF WORK AND MATERIAL

11. (b) The Consulting Engineer retained by the Agricultural Society and the City shall be the sole judge of the work and material in respect to quality and quantity, and the said decision of the Engineer on all questions in dispute with regard thereto, as to the meaning or interpretation of the plans, drawings and specifications, shall be final, and no work under this Agreement shall be deemed to have been performed, nor materials or things provided, unless and until the Consulting Engineer is satisfied therewith, as evidenced by this Certificate in writing.

(c) SITE SECURITY

The City shall provide adequate security to the property during construction.

(d) DAMAGE TO PERSONS OR PROPERTY

The City, its agents and all workmen and persons employed by it, or under its control, shall use due care that no person or property is injured and that no rights are infringed in the undertaking of the work, and the City shall be solely responsible for all damages, by whomsoever claimable, in respect of the death of any persons and in respect of any injury to person or to lands, buildings, structures, fences, trees, crops, roads, shops, or property of whatever description, and in respect of any infringement of any right, privilege or easement whatsoever, occasioned in the carrying on of the work or any part thereof, or by any neglect, misfeasance or nonfeasance by the City or by any of its agents, workmen or persons employed by it or under its control, and shall at its own expense make such temporary provisions as may be necessary

to ensure the avoidance of any such death, damage, injury or infringement, and to prevent the interruption of, or any danger to the traffic on any public or private road, and to secure to all persons and corporations the un-interrupted enjoyment of all their rights in and during the performance of the said work; and the City shall indemnify and save harmless the Agricultural Society and the Trustees from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted in any manner based upon, occasioned by, or attributable to any such death, damage, injury or infringement.

(e) MECHANIC'S LIENS

The City shall not suffer nor permit any lien under the *Mechanics' Lien Act, The Construction Lien Act*, nor any like statute to be filed or registered against the lands, the buildings or any fixtures or improvements on the lands, by reason of work, labour, services or materials supplied or claimed to have been supplied to the property. If any such lien shall at any time be filed or registered the City shall procure registration of its discharge within twenty (20) days after the lien has come to the notice or knowledge of the City, PROVIDED, however, that should the City desire to contest in good faith the amount or validity of any lien and shall have so notified the Trustees and Agricultural Society, and if the City shall have deposited with the Trustees or paid into Court to the credit of any lien action, the amount of the lien claimed plus a reasonable amount for costs, then the City may defer payment of such lien claim for a period of time sufficient to enable the City to contest the claim with due diligence, provided always that neither the lands nor the buildings nor any part thereof shall thereby become liable for forfeiture or sale. Nothing herein contained shall authorize the City to subject the property to any lien.

(f) RISK

The City shall notify the Agricultural Society of any demolition or alteration to the buildings and the Agricultural Society shall notify its insurers accordingly and provide instructions in reference to the material change in circumstances.

The City shall provide adequate public liability coverage for all claims that may be made arising out of the works and undertakings on the property.

The City shall, at its sole expense, provide adequate coverage in reference to the land and buildings subsequent to the conveyance of the property to the City.

OTHER BUILDINGS ON SITE

12. Building #13 shall be extended by the City at its expense and such extension shall not be less than 60 feet in length (and not less than the existing width) together with wooden stalls similar to those presently in place. (Such stalls may be taken from demolished buildings). The Building shall be extended to the East in accordance with the attached Site Plan. The City is at liberty to specify the materials to be utilized in such expansion.

GUARANTEE

13. The City warrants that if any of the buildings are demolished or removed by the City or its agents pursuant to this agreement, then the new building shall be constructed as a replacement even if the property is not conveyed to the City. All improvements will enure to the benefit of the Trustees and the Agricultural Society pursuant to the Trust, free and clear of all claims by the City or any other person.

PART III

USE OF THE PROPERTY

NAME

14. The name "R.A. Morrow Memorial Park" shall be retained for the property, which property as described in Schedule "A" shall be retained by the City for all time en bloc and shall be used by the City for parks and recreational purposes for the benefits of the inhabitants of the City and County of Peterborough, subject only to the continuing rights of The Peterborough Agricultural Society outlined herein.

AGRICULTURAL SOCIETY OFFICE BUILDING

15. (a) The existing Agricultural Society office building shall be retained for the exclusive use of the Agricultural Society. The Society shall provide adequate insurance coverage in regard to the use of this building and its contents at its expense. The Agricultural Society shall not do nor permit to be done any act or thing which may make void or voidable any insurance upon the building or which may cause any increase or additional premium to be payable for any insurance on the building paid by the City.

The Agricultural Society shall keep the premises in a clean and wholesome condition in conjunction with maintenance services provided by the City.

(b) If it is ever proposed by the City the said building be demolished or removed from the land, then the City shall provide to the Agricultural Society satisfactory office space of indentical square footage area to be made available within R.A. Morrow Memorial Park. Any change in the status of the existing building is subject to approval of the Agricultural Society.

MEMORIAL CENTRE

16. The Agricultural Society and the "Board of Trustees of the Peterborough Memorial Centre" shall agree to the use of the Memorial Centre in accordance with the provisions of the prevailing Agreement, By-laws, and Provincial legislation.

EXHIBITION

17. The City shall grant to the Agricultural Society the free use of the grounds and buildings for the purpose of operating an Exhibition upon the following terms:

(a) the Agricultural Society shall have complete use of the grounds and buildings for the Exhibition week (7 full days) and shall be entitled to the receipt of all revenues from the said Exhibition and shall pay all expenses for the operation of the same.

(b) The Agricultural Society shall be at liberty to enter into possession of the buildings fourteen (14) days prior to the commencement of the Exhibition in order to prepare for the said Exhibition.

(c) The Agricultural Society shall vacate the property and buildings and clear the property of all garbage and debris following the Exhibition and shall be allowed sufficient time to implement the appropriate clearing and cleaning of the site. The expense for such clean-up shall be borne by the Agricultural Society.

(d) The Agricultural Society shall indemnify the City for all claims, demands, and liens arising out of the operation of the Exhibition that may be made against the City, or in any manner infringe on the City's quiet enjoyment of the property.

(e) The Agricultural Society shall obtain appropriate Insurance coverage to protect against all risks arising from the conduct and operation of the said Exhibition and shall provide the City Clerk with a copy of the said Insurance policy.

(f) The Agricultural Society shall notify the City Clerk of the date for the commencement of the Exhibition no later than December 31 of the preceeding year in which the Exhibition is to be held.

USE DURING THE YEAR

18. (a) The City shall provide at the discretion of the Peterborough Agricultural Society free use of the multi purpose building, horse barns, grandstand, plus adequate parking, as outlined in Schedule "C" dated August 15th, for at least 30 days in each calendar year and the Society shall be entitled to receipt of all revenues derived therefrom. The said thirty (30) days does not include the use of the property for the two weeks prior, and one week during, the operation of the Exhibition.

(b) The City agrees to the use of the property by the Agricultural Society at scheduled times. The Agricultural Society shall provide the City with reasonable notice of its intent to use the lands as specified in Paragraph 18 (a), which, for the purposes of this Agreement, is deemed to be thirty (30) days, save and except the use of the Grandstand by the Agricultural Society which must be scheduled with the City at least six months in advance of its use by the Society.

STORAGE

19. The City shall make available to the Agricultural Society at least 4,000 square feet of space for the storage of equipment and material on the property.

FARMERS' MARKET

20. The operation, management, and control of the Farmers Market presently operating on the property shall be subject to all rights and obligations as specified in an Agreement made between the City and The Peterborough Farmers' Market Association Inc., a non-share corporation, incorporated pursuant to the laws of the Province of Ontario.

PARKING DURING THE EXHIBITION

21. The City shall provide suitable parking for the Exhibition parking requirements, which, for the purposes of this Agreement, shall obligate the City to provide both on-site (the attached Site Plan indicates the boundaries of permitted on-site parking) and off-site parking at the Brinton Carpet field as it presently exists. In the event that the Brinton Carpet field is sold, the City must provide equal alternative parking at a location that is acceptable to the Society. The revenue derived from parking during the Exhibition shall belong to the Society. The Agricultural Society shall be responsible for the control, security and clean-up of the Brinton Carpet field in reference to off-site Exhibition Parking.

CLOSING OF GEORGE STREET

22. Pursuant to the provisions of the *Municipal Act,* the City shall take appropriate steps to close George Street or that portion of the roadway within the boundaries of Morrow Park for the duration of the Exhibition plus three additional days during each calendar year. The Society shall provide the City with reasonable notice as to when the closing is to be undertaken and shall allow access on the roadway of at least twenty feet in width for fire protection purposes pursuant to The Ontario Fire Code and the applicable regulations.

ADMINISTRATION OF THE PARK

23. (a) Subsequent to the conveyance of the property to the City, the care and management of the property shall be the sole and exclusive responsibility of the City. All revenues derived from the use of the property, its services and facilities shall (except in regard to the operation of the Exhibition and use made by the Society as expressed in Paragraphs #17 & #18) enure to the benefit of the City. The City shall maintain the lands and buildings on the property.

(b) Two members of the Agricultural Society shall be appointed to the Board of Trustees of the Peterborough Memorial Centre in accordance with the prevailing agreement, by-laws and Provincial legislation.

PERSONNEL

24. The Corporation of the City of Peterborough agrees to employ Wibb Cunningham. The conditions of employment shall be as follows:

(i) he shall be employed by the City on an annual basis as a temporary employee and shall be so employed from the 1st day of April, until the 30th day of November, in each year, with the exception of the Exhibition period (see Item iv);

(ii) he shall be paid the rate for temporary employees and receive the benefits of such employees, as specified in accordance with the Collective Agreement between The Corporation of the City of Peterborough, The Board of Park Management of the City of Peterborough and The Canadian Union of Public Employees and its Local 504, (The Peterborough Civic Employees Union), as amended, and his employment may be terminated, altered, or amended in accordance with the Collective Agreement;

(iii) he shall work an average of forty (40) hours per week throughout his employment period, but may be assigned overtime work as directed by his Supervisor and in accordance with the Collective Agreement;

(iv) he shall be employed by the Agricultural Society for two weeks prior and the week of the Exhibition and the three (3) days cleaning period thereafter upon the terms and conditions as agreed by Mr. Cunningham and the Agricultural Society;

(v) Mr. Cunningham may work for and on behalf of the Agricultural Society at any time, subject to the condition that such employment does not conflict with his hours of employment for the City.

ACKNOWLEDGEMENT—FINANCIAL ASSISTANCE

25. The Agricultural Society and the City shall co-operate in any attempts to obtain grants and other financial support in reference to the maintenance and improvement of the buildings and property.

NOTICE PROVISION

26. Notice shall be deemed to be effected upon the parties for the purposes of this Agreement if such notice is given in writing and served upon the persons or parties specified herein:

(a) The Corporation of the City of Peterborough

—By personal service on the City Clerk, 500 George Street North, City of Peterborough or, at the designated City Hall for the Corporation of the City of Peterborough (if different than 500 George Street North);

(b) The Agricultural Society

—By personal service on the presiding President of the Agricultural Society;

(c) The Trustees of R.A. Morrow Memorial Park

—By personal service on any one of the appointed Trustees.

ARBITRATION PROVISION

27. Any disagreement arising between the parties in relation to the interpretation or application of this Agreement, or any of its provisions, shall be referred to a single arbitrator if the City and Agricultural Society agree, in writing, upon one within ten (10) days after the date on which the disagreement arises; otherwise to the arbitration of three persons, one to be appointed by each

of the parties hereto and the third to be chosen by the two so appointed. If either of the parties being the City and Agricultural Society fails to appoint an arbitrator within fifteen (15) days after the one party has appointed an arbitrator and has notified the other party, in writing, of its appointment and of the matter of disagreement to be dealt with, the decision of the arbitrator appointed by the first of such parties shall be final and binding on both of the parties hereto. If the two arbitrators appointed by or for the parties hereto fail to agree upon the third arbitrator within five (5) days after the appointment of the second of the two arbitrators, either party hereto may apply on fifteen (15) days written notice given to the other party to the Senior Judge of the County Court of the County of Peterborough to appoint such third arbitrator. If any arbitrator appointed refuses to act or is incapable of acting or dies, a substitute for him may be appointed in the manner hereinbefore provided. The decision of the three arbitrators or the majority of them or of the single arbitrator, as the case may be, shall be final and binding upon the parties hereto. All costs and expenses of any such arbitration shall be borne by the parties hereto as the arbitrators direct.

Notice of the hearing to determine the matter in dispute shall be provided, in writing, to both parties by the Arbitrator (or by the third appointed Arbitrator, where the Arbitration is to be disposed of by three Arbitrators).

28. SUCCESSORS & ASSIGNS & NEW APPOINTMENTS

This agreement shall enure to the benefit and be binding upon the parties hereto and their respective successors, including any new representatives made pursuant to any power expressed by Indenture, Trust, or statute.

IN WITNESS WHEREOF the parties have executed this Agreement under their respective corporate seals, as the case may be, and under the hands of their proper signing officers duly authorized in that behalf.

DATED at Peterborough, this 14th day of September, 1983.

) THE CORPORATION OF THE
) CITY OF PETERBOROUGH
)
) MAYOR
)
) CLERK
)
)

[*Signatures Omitted*]

DATED at Peterborough, this 15th day of November, 1983.

In the Presence of:) THE TRUSTEES OF R.A. MORROW
) MEMORIAL PARK
)

[*Signatures Omitted*]

DATED at Peterborough, this 21st day of September, 1983.

In the Presence of:) THE PETERBOROUGH
) AGRICULTURAL SOCIETY
)
)

[*Signatures Omitted*]

[Affidavits Omitted]

SCHEDULES

Schedule A — Description of the Property

Schedule B — Identification of Buildings on Site

[Omitted]

Schedule C — Site Plan for Development of The Property

[Omitted]

DESCRIPTION OF THE PROPERTY

SCHEDULE "A"

[To the agreement]

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being part of Park Lots Eighteen, Nineteen and Twenty, in Lot Fourteen (14), Concession 11, formerly in the Township of North Monaghan, now City of Peterborough, County of Peterborough, more particularly described as Parts 1, 2, 3, 4, 5 and 6 on Reference Plan deposited at the Registry Office for the Registry Division of Peterborough (No. 45) on the 6th day of April, 1983, as Number 45R-4709.

SCHEDULE B

THIS INDENTURE made in duplicate the third day of January A.D. 1938

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT

BETWEEN:

HAROLD ARCHIBALD MORROW of the Township of North Monaghan in the County of Peterborough, Esquire

(hereinafter called the GRANTOR)

OF THE FIRST PART

—and—

ROLAND MAXWELL GLOVER of the City of Peterborough in the said County of Peterborough, Esquire, ROLAND DENNE of the same place, Merchant, WILLIAM J. THOMPSON of the same place, Insurance Agent, FRANK LINDSAY BRADBURN of the said Township of North Monaghan, Esquire, and the said HAROLD ARCHIBALD MORROW

(hereinafter called the GRANTEES)

OF THE SECOND PART

—and—

DORA MARY MORROW the wife of the said Grantor

OF THE THIRD PART

WHEREAS the late Robert Archibald Morrow the then owner of the lands hereinafter described in his lifetime leased the same to the Peterborough Industrial Society an agricultural society under the *Agricultural Societies Act* of the Province of Ontario for the purpose of an exhibition grounds for the said society and for the general purposes of the said Society as an Agricultural Society under the said Act and it was the desire of the said Robert Archibald Morrow that so long as the said Peterborough Industrial Society continued in existence as such Agricultural Society and required the said lands for the purposes of such or similar annual exhibitions as have heretofore been held on the said lands that the said Peterborough Industrial Society should have the continued use of the said lands for the said purposes

AND WHEREAS the Grantor is a son of the said the late Robert Archibald Morrow and is the present owner of the said lands and desires to comply with the intention of his father and in order to carry the same out has decided to convey the said lands to the Grantees to be held by them and the survivors of them appointed as hereinafter provided upon the trusts hereinafter set forth.

NOW THIS INDENTURE THEREFORE WITNESSETH that in pursuance of the premises and the sum of ONE DOLLAR of lawful money of Canada now paid by the said Grantees to the said Grantor (the receipt whereof is hereby by him acknowledged) the said Grantor DOTH GRANT unto the Grantees in fee simple

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North Monaghan in the County of Peterborough and Province of Ontario containing by admeasurement twenty eight acres be the same more or less and being composed of park lots numbers EIGHTEEN, NINETEEN and TWENTY in Township lot number Fourteen in the eleventh concession of the said Township of North Monaghan

TO HAVE AND TO HOLD unto the said Grantees and their successors as trustees upon the trusts and terms hereinafter set forth SUBJECT NEVERTHELESS to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown

AND the said Grantor RELEASES to the said Grantees all his claims upon the said lands subject to the provisions and conditions herein contained. The said lands are to be known as the R.A. MORROW MEMORIAL PARK and shall be held and used by the said Grantees and their successors upon the following trusts namely:

1. To maintain the same en bloc

2. To permit the Peterborough Industrial Society so long as the said Peterborough Industrial Society is an Agricultural Society within the meaning of the said description in the *Agricultural Societies Act* of the Province of Ontario or such other Act as may be substituted therefor or uses and desires to use the said lands for substantially the purposes for which they

have heretofore been used to the effect that the said lands may be so used in a manner calculated to be a benefit to the Agricultural and Industrial Community of the County of Peterborough in particular and generally a benefit to the remainder of the said Community or in the event of the said Peterborough Industrial Society ceasing to be a Society under the said Act and not using the said lands for the purposes hereinbefore set forth or in the event of the said Society not complying with the terms herein contained to permit such other society or association as may be substituted for the said Peterborough Industrial Society and in the opinion of the said Trustees will use the said lands for the purposes of the display of agricultural and industrial products and other purposes which may be considered a benefit to the agricultural and industrial community of the County of Peterborough to use the same for the purposes for which they have heretofore been used and for the annual display of agricultural and industrial products and such other purposes as are calculated to prove a benefit to the agricultural and industrial and general community of the County of Peterborough on payment by way of a yearly rental by the said Peterborough Industrial Society or such other Society or association as may use the same under the terms hereof of the sum of Two Hundred Dollars payable in advance on the first day of January in each year and all taxes and other rates with which the said lands may be charged including local improvements and subject to the condition that the occupants shall keep all buildings, fences or other erections on the said lands in a good state of repair as determined by the trustees, paying all costs of maintenance, and will keep the buildings on the said lands insured for their full insurable value or such less sum as may be determined by the Trustees and in such Companies as they may direct with loss payable to the said Trustees

3. The Trustees may, however, from time to time permit the said Peterborough Industrial Society to rent the said lands from time to time for periods not exceeding fourteen days for such shows and exhibitions as the Trustees may approve of and all revenue derived from such renting or letting shall be the property of the said Peterborough Industrial Society for the purposes of the said Society

4. In the event that the said lands shall cease to be used by the said Peterborough Industrial Society or a succeeding Society in accordance with the terms hereof or for the purposes mentioned herein if the Council of the City of Peterborough will undertake to preserve, maintain and beautify the said lands and permit the same to be used as a public park the said City of Peterborough paying all taxes including local improvements with which the said lands may be rated or assessed then to hold the said lands as a public park for the benefit of the inhabitants of the City of Peterborough or such others as the Council of the City of Peterborough may think proper

5. In the event of the said lands ceasing to be used by the Peterborough Industrial Society or for the purposes for which the said Society is permitted herein to use the same and the City of Peterborough being unwilling to undertake the care, maintenance, management or expense of the said lands as herein provided or being willing to undertake the same as to part only or the said City of Peterborough failing to carry out the terms of any agreement made between the Trustees and the said City of Peterborough in respect of such lands as hereinbefore provided then to hold the said lands upon trust for the Grantor his heirs, executors, administrators and assigns

AND IT IS HEREBY DECLARED that in the event of any of the Trustees or any Trustee appointed under the provisions hereof dying or resigning, or becoming through mental or physical infirmity incapable of acting or removing out of the County of Peterborough or failing to attend meetings of the Trustees for such period not less than one year as shall in the opinion of his co-trustees expressed by a two thirds vote of his said co-

trustees render it inexpedient for him to remain a trustee, the Grantor in his lifetime and the surviving or continuing trustees after the decease of the Grantor shall appoint a successor to such trustee, every such new appointment to be made by deed, and that thereupon such new trustee shall with the surviving and continuing trustees be a trustee of the said lands and premises upon the terms and trusts herein set out

AND IT IS FURTHER DECLARED that the said trustees shall hold all monies received from the rental of the said lands upon the following trusts: to pay all legal and other incidental expenses in connection with the formation and establishment and the carrying on of the said trust and to pay to one of the trustees for services in keeping the books and accounts relative to the trust estate and calling meetings of the said trustees and acting as Secretary in regard to the trust a sum not exceeding Fifty Dollars per annum and in event of all the said monies not being required for the said purposes to accumulate a fund not exceeding One Thousand Dollars and to use all monies over and above the said sum of One Thousand Dollars and not required for the aforesaid purposes for the maintenance and improvement of the buildings on the said lands: AND in event of any monies being received by the trustees under the fire insurance policies on the buildings on the said lands the monies so received shall be applied by them to rebuild the buildings damaged or destroyed as directed by the Peterborough Industrial Society if the said lands are then occupied by them and otherwise the same shall be used for the protection or improvement of the trust estate as to the said trustees may seem best. The said trustees shall keep a proper book or books of account showing all monies received and disbursed by them, a book or books of minutes showing correctly all minutes of their meetings, resolutions passed or proceedings taken thereat

AND the said trustees are hereby empowered with the approval of the grantor during his lifetime and afterwards at their own discretion to make such rules and regulations and provisions for the control and management of said lands as may be deemed advisable but no such rule or regulation shall in anywise alter or invalidate the terms of the trusts herein contained

A Trustee shall not be responsible for the failure of any investment or security made or taken by the Trustees or for anything done or omitted to be done in connection with the trust estate except for his own acts and to account for any monies coming into his hands and shall not be liable for injury done by others to the said trust premises or to any part thereof

AND the said DORA MARY MORROW the wife of the said Grantor hereby bars her dower in the said lands

IN WITNESS WHEREOF the said parties hereto have hereunto set their hands and seals

SIGNED SEALED AND DELIVERED

in the presence of:

"MARY B. MULHOLLAND"

"H. A. MORROW"
"DORA M. MORROW"

[Affidavits Omitted]

CHAPTER Pr6

An Act respecting the City of Toronto

Assented to May 17th, 1984

Preamble

Whereas The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this section, "dwelling unit" means a room or suite of two or more rooms designed or intended for use by one or more persons as living accommodation in which culinary and sanitary conveniences are provided for the exclusive use of such person or persons.

Council may refuse to issue demolition permit
1983, c. 1
R.S.O. 1980, c. 337

(2) Notwithstanding subsection 33 (6) of the *Planning Act, 1983* or subsections 34 (4) and 44 (2) of the *Ontario Heritage Act*, the council of the Corporation may in an application for a demolition permit under section 33 of the *Planning Act, 1983*, where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished, refuse to issue a demolition permit for the demolition of any building containing six or more dwelling units for a period of not more than 365 days from the date of the receipt by the clerk of the Corporation of the application for a demolition permit for the residential property sought to be demolished or from the date of the issuance of the building permit for the new building, whichever is later.

Non-application

(3) This section does not apply where the building sought to be demolished is,

(a) the subject of an order for demolition under subsection 10 (4) of the *Building Code Act*; R.S.O. 1980, c. 51

(b) built to a residential density which is 50 per cent or less of the maximum residential density which the council may by by-law permit under the official plan for the City of Toronto; or

(c) the subject of an order or direction of removal under the *Fire Marshals Act*.

R.S.O. 1980, c. 166

When permit to issue

(4) At the end of the period specified under subsection (2) or as varied or extended under subsection (7), the council shall issue a demolition permit if the building permit to erect a new building on the site of the residential property sought to be demolished has not been lawfully revoked.

Saving R.S.O. 1980, c. 51

(5) Notwithstanding clauses 6 (4) (b) and (c) of the *Building Code Act*, no building permit shall be revoked by reason only of,

(a) a failure to commence construction; or

(b) a suspension or discontinuance of construction,

because a demolition permit has been refused under this Act.

Deemed revocation of demolition permit

(6) Where a demolition permit has been issued with respect to any building containing six or more dwelling units and the building permit for the new construction is revoked, the demolition permit shall be deemed to be revoked and this section shall apply to any subsequent application for a demolition permit in respect of the building for which the original demolition permit was issued as if the original application had not been made and the original building permit had not been issued.

Time period may be varied

(7) The applicant and the council may agree to decrease or increase the time specified under subsection (2) and may agree to extend the time beyond the maximum period provided under that subsection.

No derogation of powers of council

(8) Nothing in this section shall derogate from the authority of the council to refuse to issue a demolition permit under any Act where, had this section not been enacted, the council would be entitled to refuse to issue a demolition permit.

Hearing by council

(9) The council shall allow, in an application for a demolition permit to which subsection (2) applies, the applicant an opportunity to be heard before making its decision.

Enforcement

(10) Where the council refuses to issue a demolition permit for any building under this section and the building or any portion thereof is demolished, subsections 33 (2) and (13) of the *Planning Act, 1983* apply with necessary modifications.

1983, c. 1

Acquisition of land

(11) The Corporation may acquire by purchase, lease or otherwise any land that is the site of a residential property or

part thereof that is subject to a refusal under subsection (2), including any interest therein and any residential property located thereon, and may,

(a) rehabilitate, convert, repair or otherwise improve any building on such land;

(b) manage, maintain or operate any such building; and

(c) with the approval of the Minister of Municipal Affairs and Housing, sell, lease or otherwise dispose of for nominal consideration or otherwise any such land or building.

Stay where proceedings commenced under R.S.O. 1980, c. 148

(12) Notwithstanding subsection (4) where, prior to the expiry of the period specified under subsection (2) or as varied or extended under subsection (7), an application is made for approval under section 4 of the *Expropriations Act* with respect to any land or part thereof that is the site of a residential property, the application operates as a stay of the requirement under subsection (4) to issue a demolition permit if the City proceeds expeditiously to have the subject land vested in the City under section 9 of that Act.

Effect of withdrawal of demolition permit

(13) Where an application for a demolition permit is withdrawn by the applicant prior to the end of the period specified under subsection (2) or as varied or extended under subsection (7), no applications for a demolition permit with respect to all or part of the subject building may be filed with the clerk for a period of 365 days from the date of withdrawal without the consent of the council.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *City of Toronto Act, 1984*.

CHAPTER Pr7

An Act respecting the City of Kitchener

Assented to May 17th, 1984

Preamble

Whereas The Corporation of the City of Kitchener hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

By-laws related to dogs

1. The council of The Corporation of the City of Kitchener may pass by-laws,

(a) for requiring any person who owns or harbours a dog to keep the dog under the control of some person and leashed or within such distance of that person as may be set out in the by-law unless the dog is on the lands of,

(i) the person who owns or harbours it, or

(ii) a person who has consented to the dog being on the lands while it is unleashed;

(b) for prohibiting any person who owns or harbours a dog from permitting the dog to trespass on private property;

(c) for requiring any person who owns or harbours a dog to remove forthwith any excrement left by the dog on any property or class of property in the municipality and for excluding from the operation of the by-law such class or classes of persons as may be set out in the by-law; and

(d) for exempting dog guides, in whole or in part, from any provision of a by-law passed by the council of the Corporation respecting dog licences, subject to such terms and conditions as may be set out in the by-law.

Appointments confirmed

2. The appointments of Mr. F.R. Hoddle, Mr. F. Janke and Mr. R.N. Wagner as directors of The Centre in the Square Inc. for a term of three years, commencing on the 1st day of December, 1983, and expiring on the 30th day of November, 1986, are hereby ratified and confirmed.

3. Subsection 4 (1) of the *City of Kitchener Act, 1981*, being chapter 90, as re-enacted by the Statutes of Ontario, 1983, chapter Pr5, section 2, is repealed and the following substituted therefor:

Board of directors

(1) The Board shall be composed of ten directors as follows:

1. The mayor of the City.

2. Three directors, other than the mayor of the City, who shall be members of council.

3. Six directors who shall not be members of council.

4. Section 3 of the *City of Kitchener Act, 1983*, being chapter Pr5, is repealed.

Commencement

5.—(1) This Act, except sections 2 to 4, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 to 4 shall be deemed to have come into force on the 1st day of December, 1983.

Short title

6. The short title of this Act is the *City of Kitchener Act, 1984*.

CHAPTER Pr8

An Act respecting the Oakville Young Men's Christian Association— Young Women's Christian Association

Assented to May 17th, 1984

Preamble

Whereas the Oakville Young Men's Christian Association —Young Women's Christian Association, herein called the Corporation, hereby represents that it was incorporated by letters patent dated the 6th day of October, 1964; that the object of the Corporation is the improving of the spiritual, moral, social, educational and physical life of its members and others; that the Corporation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that it is desirable that provision be made for exempting the real property of the Corporation situate in the Town of Oakville, more particularly described in the Schedule hereto from taxation for municipal and school purposes, other than local improvement rates; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

R.S.C. 1952, c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tax exemption

1.—(1) The council of The Corporation of the Town of Oakville may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Corporation, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Corporation.

R.S.O. 1980, c. 31

Conditions

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Deemed exemption

2. For the purposes of subsection 90 (9) of the *Regional Municipality of Halton Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

R.S.O. 1980, c. 436

Retroactive by-law

3. A by-law passed under section 1 may be retroactive to the 1st day of January, 1984.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Oakville Young Men's Christian Association—Young Women's Christian Association Act, 1984.*

SCHEDULE

That parcel of land and premises being part of Lot 19, in Concession 3, South of Dundas Street, in the Town of Oakville, in The Regional Municipality of Halton, shown on a Plan of Survey of record in the Office of the Director of Titles at Toronto as Plan CTA-356, more particularly described as follows:

PREMISING that the northwesterly limit of Lakeshore Road (known as Highway No. 2) has an assumed bearing of North 37 degrees 59 minutes 30 seconds East and relating all bearings herein thereto;

COMMENCING at an iron bar in the northeasterly limit of the said Lot 19 distance 390 feet measured northwesterly therealong from the point of intersection of the said northeasterly limit of the said Lot 19 with the northwesterly limit of Lakeshore Road;

Thence North 44 degrees 40 minutes 30 seconds West along the said northeasterly limit of the said Lot 19 a distance of 456 feet 5.5 inches to an iron bar in the southeasterly limit of Rebecca Street;

Thence South 41 degrees 18 minutes 30 seconds West along the southeasterly limit of Rebecca Street a distance of 435 feet 8.5 inches to an iron bar, which iron bar is situate 240 feet from the northeasterly angle of Lot 17 on registered Plan 621, registered in the Land Registry Office for the Registry Division for Halton (No. 20);

Thence South 44 degrees 48 minutes 30 seconds East 484 feet to an iron bar;

Thence South 41 degrees 18 minutes 30 seconds West 240 feet to an iron pipe in the northeasterly limit of the said Plan 621;

Thence South 44 degrees 48 minutes 30 seconds East along the last mentioned limit and the production southeasterly therealong in all a distance of 401 feet 6.5 inches to an iron pipe in the northwesterly limit of Lakeshore Road;

Thence North 37 degrees 58 minutes 30 seconds East along the northwesterly limit of Lakeshore Road 377 feet 8 inches to an iron bar;

Thence North 44 degrees 55 minutes West 407 feet 3.25 inches to an iron bar;

Thence North 41 degrees 18 minutes 30 seconds East 300 feet to the point of commencement.

The intention hereof being that the monuments shown on the said Plan CTA-356 govern the limits of the herein described lands.

SAVE AND EXCEPT the following:

1. The land and premises conveyed to The Oakville Association for the Mentally Retarded as described in Instrument No. 320942 registered the 7th day of September, 1971, and shown as Parts 1 to 6, both inclusive, on the Plan of Reference deposited in the said Land Registry Office as Plan No. 20R-4997.

2. The land and premises conveyed to The Corporation of the Town of Oakville as described in Instrument No. 323250 registered the 8th day of October, 1971, for road widening purposes.

3. The land and premises conveyed to The Corporation of the Town of Oakville as described in Instrument No. 408717 registered the 4th day of April, 1975, and shown as Part 1 on the Plan of Reference deposited in the said Land Registry Office as Plan No. 20R-1893.

CHAPTER Pr9

An Act to continue The Corporation of the Townships of Shackleton and Machin under the name of The Corporation of the Township of Fauquier-Strickland

Assented to May 17th, 1984

Preamble

Whereas The Corporation of the Townships of Shackleton and Machin hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Name changed

1. The Corporation of the Townships of Shackleton and Machin is hereby continued under the name of The Corporation of the Township of Fauquier-Strickland.

References to former name

2. Any reference to The Corporation of the Townships of Shackleton and Machin or the Township of Shackleton and Machin in any Act, regulation, by-law, agreement or other document passed, made, entered into or executed before this Act comes into force shall be deemed to be a reference to The Corporation of the Township of Fauquier-Strickland and to the Township of Fauquier-Strickland, respectively.

Commencement

3. This Act comes into force on the 1st day of June, 1984.

Short title

4. The short title of this Act is the *Township of Fauquier-Strickland Act, 1984*.

CHAPTER Pr10

An Act respecting the Association of the Chemical Profession of Ontario

Assented to May 29th, 1984

Preamble

Whereas the Association of the Chemical Profession of Ontario hereby represents that it was incorporated under an Act of the Legislature of Ontario, Statutes of Ontario, 1962-63, chapter 157; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members; and whereas the Association considers it desirable to grant to members of the Association the right to use the designation "Chartered Chemist"; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Association" means the Association of the Chemical Profession of Ontario;

(b) "Board of Examiners" means a body constituted under the by-laws for the purpose of assessing the qualifications of professionals applying for membership;

(c) "by-laws" means by-laws of the Association;

(d) "Council" means the Council of the Association;

(e) "professional chemistry" means practising for a salary or fee any of the pure or applied disciplines of chemistry, including organic, inorganic, physical, analytical, metallurgical, theoretical, biological and industrial;

(f) "registered" means registered as a member under this Act, and "registration" and "registrant" have corresponding meanings;

(g) "registrar" means the registrar of the Association;

(h) "undergraduate" means a member enrolled in a learning institution, recognized by the Council, for the purpose of entering into the practice of chemistry.

Association continued

2.—(1) The Association of the Chemical Profession of Ontario is continued as a corporation without share capital and the persons registered as members of the Association on the day this Act comes into force and all other persons who become members of the Association constitute the corporation.

Continuation of Council

(2) The members of the Council and the officers of the Association in office immediately prior to the coming into force of this Act are continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Objects

3. The objects of the Association are,

(a) to furnish means and facilities by which members of the Association and undergraduates may increase their knowledge, skill and efficiency in all things related to the business or profession of professional chemistry;

(b) to hold such examinations and prescribe such tests of competency as Council considers appropriate to qualify for admission to membership in the Association;

(c) to maintain discipline among members of the Association and undergraduates; and

(d) to do any other thing that the Council reasonably considers will further its objects.

Council

4.—(1) The affairs of the Association shall be managed by the Council.

Composition of Council

(2) The Council shall consist of not fewer than fifteen and not more than twenty-five members of the Association, as the Council may determine, elected from the membership of the Association.

Idem (3) The Association may by by-law provide for the appointment to the Council of up to three persons who are not members of the Association.

Idem (4) The manner of electing or appointing the members of the Council, the notification of the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Council and other necessary details shall be as set out in the by-laws.

Quorum (5) At any meeting of the Council, a majority of the members of the Council constitutes a quorum.

Officers (6) The Council shall elect or appoint such officers as are prescribed by the by-laws.

Idem (7) No person may be elected or appointed under subsection (6) who is not a member of the Association.

Vacancies (8) In the case of death, resignation or incapacity of any member of the Council, the office may be declared vacant by the Council and, where it is so declared, the Council shall fill the vacancy in the manner provided by the by-laws for the balance of the term.

Resignation (9) For the purposes of subsection (8), where a member is absent from three consecutive meetings of the Council or has his registration cancelled or suspended, the Council may consider that he has resigned.

Registrar (10) The Council shall appoint a registrar who need not be a member of the Council and who shall perform the functions assigned to him by this Act and such other duties as may be assigned to him by the Council.

Proxies **5.** At any general or special meeting, members of the Association may be represented and vote by proxy exercised in accordance with the by-laws on voting and proxies, but no proxy may be exercised by a person who is not a member of the Association.

By-laws **6.**—(1) The Council may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, the Council may pass by-laws,

(a) prescribing the qualifications for and conditions of registration for members and undergraduates;

(b) prescribing the educational and other qualifications that must be met by candidates for admission as members of the Association;

(c) regulating and governing the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice and by providing for suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;

(d) prescribing fees payable to the Association;

(e) governing the calling, holding and conduct of meetings with the Council and of the members of the Association;

(f) establishing a Board of Examiners and governing the actions of the Board;

(g) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;

(h) authorizing the making of grants for any purpose that may tend to advance chemical knowledge and education, improve standards of practice in chemistry or support and encourage public information and interest in the past and present role of chemistry in society;

(i) acquiring by any manner real and personal property for its purposes or disposing, in any manner, of property acquired or any part thereof as occasion may require.

Confirmation

(2) A by-law passed under subsection (1) and a repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the members duly called for that purpose, is effective only until the next annual meeting of the members unless confirmed thereat and, in default of confirmation, ceases to have effect from that time, and in that case no new by-law of the same or like substance has any effect until confirmed at a general meeting of the members.

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours. Inspection of by-laws

7.—(1) Every individual who, Membership

(a) applies therefor in accordance with the by-laws;

(b) is of good character; and

(c) is eighteen years of age or older,

is entitled to membership in the Association if he,

(d) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; or

(e) has passed examinations set or approved by the Board in accordance with the by-laws.

(2) The registrar shall keep a register in which shall be entered the names of all members of the Association in good standing, and only those persons so registered are members entitled to the privileges of membership in the Association. Register

(3) The register shall be kept open for examination by the public at the head office of the Association during normal office hours. Idem

(4) A person who is qualified for membership in the Association who has been refused membership or who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction. Appeals

(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file in the Court a record of the proceeding that resulted in the failure or refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, shall constitute the record in the appeal. Record

(6) An appeal under this section may be made on a question of law or fact, or both, and the Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of Powers of Court

any committee or of the Association or the Court may refer the matter back for rehearing, in whole or in part, in accordance with such directions as the Court considers proper.

Designation

8.—(1) Every member of the Association may use the designation "Chartered Chemist" and may use after his name the designation "C. Chem." indicating that he is a chartered chemist.

Offence

(2) Every person in Ontario who, not being a registered member of the Association, takes or uses the designation "Chartered Chemist" or "C. Chem." alone or in combination with any other word, title, name, initial or description, other than initials or words that indicate that the title used was granted in a jurisdiction outside of Ontario, or implies, suggests or holds out that he is a chartered chemist, is guilty of an offence.

Evidence

(3) In every case where registration is an issue, the production of a copy of the register certified under the hand of the registrar is sufficient evidence of all persons who are registered, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as registrar is proof, in the absence of evidence to the contrary, that the person is the registrar without any proof of his signature or of his being in fact the registrar.

Idem

(4) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.

Right to practise unaffected

9. This Act does not affect the right of any person who is not a member of the Association to practise as a chemist in the Province of Ontario.

Surplus

10. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Repeal

11. *The Association of the Chemical Profession of Ontario Act, 1962-63*, being chapter 157, is repealed.

Commencement

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is the *Association of the Chemical Profession of Ontario Act, 1984*.

CHAPTER Pr11

An Act to Incorporate Baptist Bible College Canada and Theological Seminary

Assented to May 29th, 1984

Preamble

Whereas Bethel Baptist Church (Simcoe) hereby represents that it was incorporated by letters patent on the 21st day of September, 1976, for the purpose, among others, of establishing, maintaining and carrying on and conducting classes for religious education and employing and paying instructors therefor; that since that time, Bethel Baptist Church (Simcoe), has been providing such education; and whereas the applicant hereby applies for special legislation providing for the creation of the organization, government and administration of a separate college with the power to grant appropriate degrees in the field of religious study; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this Act,

(a) "academic dean" means a dean of the college or faculty, school, institute, department or other academic division of the College so designated by the Board;

(b) "academic unit" means a faculty, school, institute, department or other academic division of the College so designated by the Board;

(c) "Board" means the Board of Governors of the College;

(d) "College" means Baptist Bible College Canada and Theological Seminary as incorporated by this Act;

(e) "faculty" means all persons employed by the College to teach or give instruction at the College;

(f) "student" means a person who has registered as such in a program or course of study at the College leading to a degree, diploma or certificate of the College;

(g) "supporting church" means a church, which provides support, including financial support, for the philosophy, objects, and operation of the College, and which has been designated as a supporting church by a by-law of the College;

(h) "year" means the membership year of the Board and shall be any twelve-month period established from time to time by the Board.

Conflict with R.S.O.1980, c. 95

(2) In the event of a conflict between any provision of this Act and any provision of the *Corporations Act*, the provision of this Act prevails.

Incorporation

2.—(1) The members of the Board from time to time are hereby incorporated as a corporation without share capital under the name of "Baptist Bible College Canada and Theological Seminary".

Interpretation

(2) In this section "transfer date" when used in respect of the teaching staff and associated secretarial staff of Bethel Baptist Church (Simcoe) means the date upon which the College assumes liability for the payment of the salaries, wages and benefits of such teaching and secretarial staff by reason of the transfer of the teaching functions of the church to the College.

Transfer of staff

(3) Three months prior to the transfer date, Bethel Baptist Church (Simcoe) shall designate those of its employees who are involved in teaching and associated staff and the College shall offer employment to each such employee so designated commencing on the transfer date and at a wage or salary not less than the wage or salary being received by each such employee immediately before the transfer date.

Continuation of benefits

(4) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlement provided by Bethel Baptist Church (Simcoe) immediately before the transfer date until the College establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the employee shall receive allowance or credit for any accrued sick leave rights or benefits.

Termination for cause

(5) Nothing in this section prevents Bethel Baptist Church (Simcoe) prior to the transfer date or the College after the

transfer date from terminating the employment of an employee for cause.

Objects

3. The objects of the College are,

(a) to provide post-secondary training programs for individuals called to the ministry and to equip and encourage them,

(i) to preach effectively,

(ii) to evangelize,

(iii) to establish and develop churches in Canada and throughout the world, and

(iv) to train teachers in religious education;

(b) to develop the devotional and spiritual life of the student; and

(c) to encourage each student to develop a mastery of the content of the Bible and to help the student to develop Christian character.

Board

4.—(1) The affairs of the College shall be managed by the Board.

First Board

(2) The first members of the Board shall be the persons named in the Schedule and the first members shall hold office until the first annual meeting held under subsection 6 (3).

Composition

(3) The Board, after the first annual meeting held under subsection 6 (3), shall consist of,

(a) the president of the College, *ex officio*; and

(b) not fewer than ten persons or more than fifteen persons, as determined from time to time by the Board, by by-law, elected by the members of the supporting churches in accordance with the by-laws.

Qualifications

(4) No person shall be elected as a member of the Board unless the person is a Canadian citizen.

Election

(5) The elected members of the Board shall serve as members for a term of three years, but no person shall serve on the Board for more than nine consecutive years but on the expiry of one year after having served on the Board for nine

consecutive years the person is again eligible to serve on the Board.

Idem

(6) At least one-third of the elected members of the Board shall be members of the supporting churches other than Bethel Baptist Church (Simcoe) and elected by the members thereof and the remainder of the elected members of the Board shall be members of Bethel Baptist Church (Simcoe) and elected by the members thereof and the Board may pass by-laws providing for the manner of nominating and electing its members.

Staggered terms

(7) Notwithstanding subsection (5), the Board may by by-law provide for the election and retirement in rotation of the members of the Board.

Calculation of term

(8) Service on the Board as a first member under subsection (2), as a member elected for less than three years under subsection (7) or as a member elected for the balance of an unexpired term under subsection (12) shall not be included in the calculation of the nine consecutive years referred to in subsection (5).

Dismissal for cause

(9) A member of the Board may be dismissed for cause upon the motion of any other member of the Board.

Idem

(10) Notice of a motion brought under subsection (9) shall be given to each member of the Board by sending the notice by prepaid mail to the latest address shown on the records of the College for each member at least thirty days before the date of the meeting at which the motion will be considered.

Idem

(11) A motion brought under subsection (9) shall be voted on by secret ballot and shall not carry unless it receives the affirmative vote of at least two thirds of the votes cast at the meeting.

Vacancy

(12) Where a vacancy occurs among the elected members of the Board, the remaining members of the Board shall forthwith call a meeting of the Board to elect a new member to fill the vacancy on the Board, and the person so elected shall serve for the balance of the unexpired term of the vacating member.

Quorum

(13) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall the quorum be less than a majority of the Board.

Majority vote

(14) Subject to subsections (11) and (15), all by-laws and resolutions of the Board shall be passed by a majority of the votes cast at the meeting of the Board.

Doctrinal statement

(15) A by-law or resolution of the Board that alters the doctrinal statement of the College, as laid down by by-law, shall be passed only upon the approval of all Board members.

Deciding vote

(16) In case of an equality of votes, the chairman of the Board, in addition to his original vote, shall have a second and deciding vote.

Chairman and vice-chairman

5.—(1) The Board shall elect annually, by secret ballot from among its members, a chairman who shall preside at all meetings of the Board and a vice-chairman and they shall both be eligible for re-election.

Other officers

(2) The Board shall elect annually a secretary, a treasurer and such other officers as the Board may determine from time to time who shall all be eligible for re-election for successive terms and the secretary, the treasurer and the other officers elected under this subsection need not be members of the Board.

Vice-chairman

(3) If the chairman is absent for any reason or the chairman's office is vacant, the vice-chairman shall act as and have all the powers of the chairman.

Vacancies

(4) If any office referred to in this section is vacant or if for any reason any officer is unable to act, the Board may designate another eligible person to act in that behalf.

Meetings

6.—(1) The Board shall meet every two months and at such other times as the chairman of the Board, or in his absence the vice-chairman of the Board, considers necessary.

Extraordinary meetings

(2) Any two members of the Board may request an extraordinary meeting of the Board upon written notice being sent to every other member of the Board at the latest address shown on the records of the College for each member giving thirty days notice of the meeting.

Annual meeting

(3) In addition to its other meetings, the Board shall hold an annual meeting once in each calendar year.

Powers of Board

7. The government, conduct, management and control of the College and of its property, revenues, expenditures and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and to achieve

the objects and purposes of the College including, without limiting the generality of the foregoing, the power,

(a) to enact by-laws for the conduct of its affairs;

(b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the academic council;

(c) to appoint, promote, suspend and remove administrative officers of the College and the members of the administrative staff;

(d) to appoint and promote the academic officers and members of the faculty;

(e) to grant leave to and to suspend and remove the academic officers and members of the faculty;

(f) to define the duties of the academic officers, the faculty, the administration officers and the administrative staff, and to fix their salaries and remuneration, and to provide for the further benefits for such person, including without limiting the generality of the foregoing, the provision of the retirement of such people, and to create any funds necessary for that purpose either with the money of the College or through contributions from such persons, or from a combination of both;

(g) to establish, change and terminate academic units within the College and determine the powers and duties of any such unit;

(h) to appoint committees and to delegate to any such committee the power and authority to act for the Board with respect to any matter or class of matters, but where power and authority to act for the Board are delegated to a committee, a majority of the members of committee shall be members of the Board;

(i) to federate or affiliate the College with any other institution of higher learning;

(j) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;

(k) to borrow money for the purposes of the College and give security therefor on such terms and in such amounts as it may consider advisable;

(l) to invest all money, that comes into the College and is not required to be expended for any purpose to which it lawfully may be applied, subject to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper, and to except where a trust investment otherwise directs, to combine trust moneys belonging to those trusts in its care into a common trust fund;

(m) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;

(n) to hold, manage, sell or convert any of the real or personal property from time to time owned by the College and to invest and reinvest any principal in such manner as may from time to time be permitted in investments authorized by law for trustees;

(o) to acquire and maintain such real property, equipment and furnishings as the Board may consider necessary for the operation of the College, and to erect, maintain, equip and furnish such other buildings and structures as the Board may consider necessary for the purpose of the College including residences and dining halls for the use of the faculty, administrative staff and students of the College;

(p) to make such rules and regulations as the Board may consider necessary respecting the management and control of residences and dining halls and the property and operation of the College in general;

(q) to appoint a member or members of the Board or any other person or persons to execute on behalf of the Board,

(i) documents and other instruments in writing generally, or

(ii) specific documents and other instruments in writing,

and to affix the corporate seal of the College thereto;

(r) to enact by-laws to regulate the admission, as members of the Board and as faculty of the College, of individuals who are members of a fundamental Baptist Church and who are in full accord with and subscribe to the doctrinal statement of the College as set out in the by-laws, and who are in agreement with the philosophy and objects of the College;

(s) to adopt a doctrinal statement for the College;

(t) to create one or more advisory bodies and to determine the composition, functions and procedures of any such body; and

(u) to designate any church as a supporting church of the College.

President

8.—(1) The College shall be administered by a president appointed by and under the direction of the Board.

Duties

(2) The president is responsible for the direction of the faculty and the administrative staff.

Academic Council

9.—(1) There shall be an Academic Council of the College composed of,

(a) the President of the College;

(b) all academic deans; and

(c) at least one and not more than three persons who are faculty members, the number to be determined from time to time by the Academic Council, and the person or persons shall be elected by secret ballot by the faculty.

Powers and duties

(2) The Academic Council has the following powers and duties:

1. To recommend to the Board the establishment and termination of programs and courses of study.

2. To determine the curricula of all programs and courses of study, standards of admission to the College and continued registration therein, and the qualifications for graduation.

3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.

4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievements.

5. To award diplomas and certificates and to grant the degrees of Bachelor of Theology, Bachelor of Sacred Music, Bachelor of Religious Education, Master of Theology, Master of Religious Education, Master of Sacred Music, Master of Divinity, Doctor of Theology, Doctor of Religious Education, Doctor of Sacred Music and Doctor of Divinity.

6. To appoint committees and delegate thereto the power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, but where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Academic Council or the faculty or a combination thereof.

7. To determine from time to time the number of faculty members to be elected to the Academic Council under clause (1) (c), and to determine the terms of office of one, two or three years, as the case may be, for each such member.

8. To determine the procedures to be followed in the election of members of the Academic Council, to conduct such elections, and to determine any dispute as to the eligibility of a candidate at such election or to a person to vote thereat.

9. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 8.

Chairman

(3) The President shall be the chairman of the Academic Council.

Meetings open to public

10.—(1) Subject to subsections (2) and (3), the meetings of the Board and the Academic Council shall be open to the

public and prior notice of meetings shall be given to the members of the Board or the Academic Council, as the case may be, and to the public in such manner as the Board or Academic Council shall respectively determine and no persons shall be excluded from a meeting except for improper conduct as determined by the Board or the Academic Council, as the case may be.

Exception

(2) Where a matter is confidential to the College, that part of a meeting of the Board or the Academic Council, as the case may be, concerning such a matter may be held *in camera*.

Idem

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board or the Academic Council, as the case may be, that part of the meeting concerning the individual shall be held *in camera* unless the individual and the Board agree that that part of the meeting be open to the public.

By-laws, publication

11.—(1) The College shall publish its by-laws from time to time in such manner as the Board shall consider proper.

Idem, examination

(2) The by-laws of the College shall be open to examination by the public during the normal office hours of the College.

Auditors

R.S.O. 1980, c. 405

12.—(1) The Board shall appoint one or more auditors licensed under *Public Accountancy Act* to audit the accounts and transactions of the College at lease once a year.

Availability

(2) The annual audited statements of the College shall be made available to all supporters of the College in such manner as the Board may determine.

Fiscal year

(3) The fiscal year of the College shall be as established from time to time by the Board.

Non-profit corporation

13.—(1) The College shall be carried on without the purpose of gain for the members of the Board and any profits or other accretions to the College shall be used in promoting its objects and purposes.

Idem

(2) The property of the College shall be applied solely for the objects and purposes of the College.

Dissolution

14. Upon the dissolution or winding up of the College, all its remaining property, after the payment of all debts and liabilities, shall be distributed to one or more recognized charitable organizations in Canada having objects of an educational nature as similar as possible to those of the College.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is the *Baptist Bible College Canada and Theological Seminary Act, 1984.*

SCHEDULE

First Board of Governors of Baptist Bible College Canada and Theological Seminary.

Dr. Harry Strachan, D.S.

Gordon Horne

Theodore Bugg

Arthur Wiedrick

Wray Stone

Aaron Doerksen

Robert Laidlaw

Douglas Pipe

Gerald Ronson

Frank Lloyd

CHAPTER Pr12

An Act respecting The Ontario Association of Landscape Architects

Assented to May 29th, 1984

Preamble

Whereas The Ontario Association of Landscape Architects hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 20th day of December, 1968; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members; that the Association considers it desirable to grant to full members of the Association the exclusive right to use the designation "Landscape Architect"; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Association" means The Ontario Association of Landscape Architects;

(b) "by-law" means a by-law of the Association;

(c) "Council" means the Council of the Association;

(d) "full member" means a member of the Association who is shown in the register kept under subsection 9 (2) as being a full member of the Association;

(e) "registrar" means the registrar of the Association;

(f) "student" means a student of the Association as provided for in this Act.

Association continued

2.—(1) The Ontario Association of Landscape Architects is hereby continued as a corporation without share capital and the persons registered as members of the Association on the

day this Act comes into force and such other persons as hereafter become members of the Association constitute the corporation.

Continuation of present Council

(2) The members of the Council and the officers of the Association in office immediately prior to the coming into force of this Act are hereby continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Letters patent revoked

(3) The letters patent of the Association are revoked, but the revocation of the letters patent does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act corporation

(4) The Association shall be deemed to be a corporation incorporated by a special Act.

Objects

3. The objects of the Association are,

(a) to furnish means and facilities by which members of the Association and students may increase their knowledge, skill and efficiency in all things related to the business or profession of a landscape architect;

(b) to hold examinations and prescribe tests of competency deemed appropriate to qualify for admission to membership in the Association;

(c) to establish and maintain standards of knowledge and skill among its members;

(d) to maintain discipline among members of the Association and students; and

(e) to establish and maintain standards of professional ethics among members of the Association and students,

in order that the public interest may be served and protected.

Powers

4. For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person.

Council

5.—(1) The affairs of the Association shall be managed by the Council.

Composition

(2) The Council shall consist of not fewer than seven or more than twelve members of the Association, as the Council may from time to time determine, elected from the membership of the Association.

Idem

(3) The Association may by by-law provide for the appointment to the Council of up to three persons who are not members of the Association.

Idem

(4) The manner of electing the members of Council, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Council and other necessary details shall be as set out in the by-laws.

Quorum

(5) At any meeting of Council, a majority of the members of the Council constitutes a quorum.

Chairman, etc.

(6) The Council shall elect,

(a) from among its members a president and a vice-president; and

(b) a secretary-treasurer or a secretary and a treasurer who need not be a member of the Council.

Vacancies

(7) In the case of death, resignation or incapacity of any member of Council, the office shall be declared vacant by the Council and the Council shall fill the vacancy in such manner as may be prescribed by the by-laws of the Association for the balance of the term and for the purpose of this subsection, absence from three consecutive meetings of the Council may be treated by the Council as incapacity.

Registrar

(8) The Council shall appoint a registrar, who need not be a member of the Council, and the registrar shall perform the functions assigned to him or her by this Act and such other duties as may be assigned by the Council.

Proxies

6. At any general or special meeting, members of the Association may be represented and vote by proxy, but,

(a) no proxy shall be exercised by a person who is not a member of the Association; and

(b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

By-laws

7.—(1) The Council may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided elsewhere in this Act, the Council may pass by-laws,

(a) prescribing the qualifications for and conditions of registration for students;

(b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which the students and candidates for admission as members of the Association shall be examined and for granting certificates to students and candidates who have successfully passed the examinations;

(c) regulating and governing the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;

(d) prescribing fees payable to the Association;

(e) governing the calling, holding and conducting of meetings of the Council and of the members of the Association;

(f) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;

(g) authorizing the making of grants for any purpose that may tend to advance landscape architecture knowledge and education, or improve standards of practice in landscape architecture, or support and encourage public information and interest in the past and present role of landscape architecture in society;

(h) prescribing the categories of membership in the Association of which one category shall be full membership and such other categories of membership as the Council considers appropriate and pre-

scribing the qualifications for membership in the various categories of membership;

(i) prescribing the custody and use of the Association seal;

(j) prescribing the manner in which records and the making of reports are maintained and kept for and by the Association; and

(k) generally conducting the affairs of the Association.

Confirmation of by-laws

(2) Every new by-law or change to an existing by-law is effective when it is passed by the Council but expires with the close of the next annual meeting of the members of the Association held after its passing, unless it is confirmed by the meeting.

Inspection of by-laws

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Head office

8. The head office of the Association shall be in The Municipality of Metropolitan Toronto or at such other place in Ontario as is designated by the by-laws.

Membership

9.—(1) The Association shall grant a membership in the Association to any individual who applies therefor in accordance with the by-laws, if the individual,

(a) is of good character;

(b) is not less than eighteen years of age;

(c) has complied with the academic and experience requirements specified in the by-laws for the issuance of the membership in the category of membership for which application was made; and

(d) has passed such examinations as the Council may set or approve in accordance with the by-laws.

Register

(2) The registrar shall keep a register in which shall be entered the name of all members of the Association in good standing and showing their category of membership and only those persons so registered are members entitled to the privileges of membership in the Association.

Inspection of register

(3) The register shall be open to examination by the public at the head office of the Association during normal office hours.

Appeals

(4) An individual who is qualified for membership in the Association who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.

Record

(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file with the Court a record of the proceeding that resulted in failure or a refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, if there is one, shall constitute the record in the appeal.

Powers of Court

(6) An appeal under this section may be made on questions of law or fact, or both, and the Divisional Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Association or the Court may refer the matter back for rehearing in whole or in part, in accordance with such directions as the Court considers proper.

Designation

10.—(1) Every full member of the Association may use the designation "Landscape Architect".

Idem

(2) Subject to the by-laws, a firm, partnership, corporation or association of persons may use the designation "Landscape Architect" or "Landscape Architects" as part of its name or after its name if the practice of landscape architecture by the firm, partnership or corporation is carried on by or under the direct personal supervision of a full member of the Association who is a full-time employee, member or director of the firm, partnership, corporation or association.

Offence

(3) Subject to subsection (2), any person in Ontario who, not being a full member of the Association, takes or uses the designation "Landscape Architect" or "Landscape Architects" is guilty of an offence.

Evidence

(4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are members of the Association and of their category of membership in lieu of the production of the original register and any

certificate upon such copy of the register purporting to be signed by a person in his or her capacity as registrar is proof, in the absence of evidence to the contrary, that such person is the registrar without any proof of the person's signature or of the person being in fact the registrar.

Idem

(5) The absence of the name of any person from a copy of the register produced under subsection (4) is proof, in the absence of evidence to the contrary, that the person is not a member of the Association.

Right to offer or provide services not affected

11.—(1) Subject to subsection 10 (3), this Act does not affect or interfere with the right of any person who is not a member of the Association to offer or provide services similar to those offered or provided by a landscape architect in the Province of Ontario.

Transition

(2) Notwithstanding any other provision of this Act, any person in Ontario who, not being a full member of the Association, and who has been using the designation "Landscape Architect" or "Landscape Architects", either alone or in conjunction with a corporate name or partnership name, may continue to do so until the 1st day of January, 1989.

Right of certain persons to membership

(3) Every individual in Ontario who immediately before the coming into force of this Act was substantially earning a living in landscape architecture shall be accepted as a full member of the Association if within 365 days of the day this Act comes into force he or she applies to the Association to be registered as a full member and pays the annual membership fees for a full member.

Idem

(4) An application to which subsection (3) applies shall be accompanied by the statutory declaration of two persons each of whom must be a member of,

(a) the Association;

(b) the Ontario Association of Architects; or

(c) the Association of Professional Engineers of Ontario,

and the statutory declaration shall state that the person making the declaration knows the individual making the application and has reason to believe that he or she has substantially earned a living in landscape architecture.

Idem

(5) Subsection 9 (1) does not apply to an application under subsection (3).

Business interests, etc.

12. Notwithstanding any provision of the by-laws or the code of ethics of the Association, no application for membership under this Act shall be refused on the basis that the applicant alone or through partnership or the ownership of shares has an interest in or is employed by a business engaged in the supply of nursery stock or the building of landscapes nor shall any member be required to divest himself or herself of any such business interest or terminate any such employment as a condition of continuing as a full member of the Association.

Surplus

13. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Commencement

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. The short title of this Act is the *Ontario Association of Landscape Architects Act, 1984*.

CHAPTER Pr13

An Act respecting The Scandinavian-Canadian Centre

Assented to June 13th, 1984

Preamble

Whereas The Scandinavian-Canadian Club of Metropolitan Toronto, hereby represents that it was incorporated by letters patent dated the 2nd day of June, 1941; that the Club is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Club has a freehold interest in lands and premises known municipally as 91 Stormont Avenue, in the City of North York, in which it operates the Scandinavian-Canadian Centre; and whereas the Club hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of North York, from taxation for municipal and school purposes, except for local improvement rates; and whereas it is expedient to grant the application;

R.S.C. 1952, c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Club" means The Scandinavian-Canadian Club of Metropolitan Toronto;

(b) "Corporation" means The Corporation of the City of North York;

(c) "council" means the council of the Corporation.

Tax exemption

2.—(1) The council may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, of the Club, being the lands and buildings known as 91 Stormont Avenue, as described in the Schedule, so long as the land is occupied and used solely for the purposes of the Club.

R.S.O. 1980, c. 31

Idem

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Agreement to repay where lands sold

3.—(1) Without restricting the generality of section 2, the council may provide that a by-law passed under section 2 does not come into force unless the Club enters into an agreement with the Corporation whereby, if the land exempted from taxes is sold, leased or otherwise disposed of, then the taxes foregone in the preceding period of ten years or in the period since the by-law was passed, whichever period is shorter, shall immediately become payable to the Corporation.

Transfer of agreement

(2) An agreement entered into under subsection (1) may provide that, if the Club sells, leases or otherwise disposes of the exempted land and acquires other land in the City of North York which it occupies and uses solely for its purposes, the Corporation may postpone the collection of the taxes foregone until such time as the substituted land is disposed of by sale, lease or otherwise.

Transfer of exemption

(3) Where an agreement has been entered into under subsection (1) and the Club sells, leases or otherwise disposes of the land and acquires other land in the City of North York which it occupies and uses solely for its purposes, the Corporation may, by by-law, transfer the tax exemption under section 2 to the substituted land.

Registration of agreement

(4) An agreement made under subsection (1) may be registered against the title of the land affected thereby in the proper land registry office and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the land described therein and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Idem

(5) Where land is substituted for the land described in an agreement made under subsection (1), the Corporation may register the agreement against the title of the substituted land, notwithstanding that the substituted land is not described in the original agreement and, upon registration of an agreement under this subsection, the land described in an agreement registered under subsection (4) is discharged from the lien or charge described in that subsection and the amounts payable under the agreement shall, until paid, be a lien or charge upon the substituted land and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Reimbursement of other taxing authorities

(6) Where the Corporation receives a payment under an agreement made under subsection (1), the Corporation shall retain for its own use, its share of the taxes foregone, and shall reimburse The Municipality of Metropolitan Toronto and The Board of Education for the City of North York and

The Metropolitan Toronto School Board and the Metropolitan Separate School Board for their share of the taxes foregone.

Repeal of by-law

(7) Notwithstanding that an agreement has been entered into under subsection (1), the council may at any time repeal a by-law passed under section 2 or under subsection (3) without affecting the validity of the agreement and the repeal of the by-law does not accelerate the time for the repayment under the agreement of any taxes foregone.

Deemed exemption R.S.O. 1980, cc. 314, 31

4. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 2 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Scandinavian-Canadian Centre Act, 1984*.

SCHEDULE

That parcel of land situate in the City of North York, in The Municipality of Metropolitan Toronto, being the whole of Lot 118 on the south side of Stormont Avenue, according to a Plan registered in the Land Registry Office for the Registry Division of Toronto Boroughs (No. 64).

Subject to a right-of-way with others entitled thereto, for all purposes, in, over, along and upon the westerly twelve feet of the said Lot 118.

CHAPTER Pr14

An Act respecting the Ontario Association of Certified Engineering Technicians and Technologists

Assented to June 27th, 1984

Preamble

Whereas the Ontario Association of Certified Engineering Technicians and Technologists represents that it was incorporated under the laws of Ontario by letters patent dated the 19th day of March, 1962; that the Association desires to be continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members and aspirants; and whereas the Association desires to grant to its members the exclusive right to use the designations "Certified Engineering Technician" or "Certified Technician" and the designations "Certified Engineering Technologist" or "Applied Science Technologist" or their respective abbreviations; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant such application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Association" means the Ontario Association of Certified Engineering Technicians and Technologists;

(b) "by-law" means a by-law of the Association;

(c) "Council" means the Council of the Association;

(d) "person" means an individual;

(e) "registered" means registered under this Act and "registration" has a corresponding meaning;

(f) "Registrar" means the Registrar of the Association.

Continuation

2.—(1) The Ontario Association of Certified Engineering Technicians and Technologists is hereby continued as a corporation without share capital and the persons registered as members in any category of the Association on the day this Act comes into force and such other persons as are thereafter registered constitute the corporation.

Council and officers

(2) The members of the Council and the officers of the Association in office immediately prior to the day this Act comes into force are hereby continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Letters patent revoked

(3) The letters patent of the Association are revoked on the day this Act comes into force but their revocation does not affect the rights, duties, licences, privileges, contracts or obligations of the Association.

By-laws confirmed

(4) The by-laws of the Association and the resolutions of Council in force immediately prior to the day this Act comes into force are confirmed except to the extent of any provision that is inconsistent with this Act.

Objects

3.—(1) The objects of the Association are:

1. To establish, maintain and conduct an institute or association within Ontario for engineering technologists and engineering technicians for the purpose of granting registration and membership to such persons who meet the standards of the Association.

2. To maintain discipline among its members.

3. To assist members in advancing their status, recognition and welfare and in increasing their knowledge, skill and proficiency.

4. To establish and maintain consistent qualification requirements for registration by the Association of engineering technologists, engineering technicians and other classes of members.

5. To establish, promote and enforce high ethical and professional standards of conduct for engineering technologists, engineering technicians and other classes of members of the Association.

6. To accept donations, gifts, legacies and bequests for use in promoting the objects and carrying on the work of the Association.

7. To carry on benevolent work in connection with the families of dead, retired or incapacitated members who are in need.

8. To co-operate with other organizations having objects, wholly or in part, the same as or similar to the objects of the Association.

Capacity

(2) For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person.

Council

4.—(1) The affairs of the Association shall be controlled and managed by the Council, consisting of at least seventeen councillors but not more than thirty councillors, at least two-thirds of whom shall be elected by the members and the balance of whom shall be appointed.

Regions

(2) The Association may by by-law divide the membership of the Association into regions for the purpose of providing for the holding of local meetings, the organization of local activities and the election of one or more councillors.

Election of councillors

(3) The Association shall provide by by-law a means whereby the members of the Association, by mailed ballot, may elect a majority of the Council, either by a single ballot for the entire bench of local representatives, or by a system of voting within regions whereby a member has the chance to vote for his regional representative only.

President, etc.

(4) The President and the Vice-Presidents shall be elected by mailed ballot from amongst the members according to the procedure set forth in the by-laws and so long as they hold office as such, they shall be councillors *ex officio*.

Appointed councillors

(5) The remainder of the councillors shall be chosen by the Council in accordance with the by-laws which may make provision for automatic appointment to Council for the holders of additional offices, or for the appointment of representatives of particular categories of members or of other bodies or institutions whose affairs are considered by the Council to relate to those of the Association.

Qualifications of councillors

5.—(1) The following persons are disqualified from being the President, a Vice-President or a councillor:

1. Persons who are less than eighteen years of age.

2. Persons who have been so found by a court to be of unsound mind.

3. Persons who are bankrupts.

4. Persons who are not resident or employed in Canada.

Idem (2) All elected councillors shall be either Certified Engineering Technicians or Certified Engineering Technologists.

Vacating office (3) A councillor ceases to hold office when the councillor,

(a) dies or resigns;

(b) is removed in accordance with the by-laws; or

(c) becomes disqualified under subsection (1) or ceases to be qualified under subsection (2).

Resignation (4) A resignation of a councillor becomes effective at the time the written resignation is received by the Association or at the time specified in the resignation, whichever is later.

Quorum **6.** At any meeting of Council a majority of the councillors shall constitute a quorum.

Vacancies **7.** In the case of the death, resignation, absenteeism or incapacity, as defined in the by-laws, of a councillor, the Council may declare his seat vacant whereupon it may be filled by Council for the balance of the term in accordance with such procedures as may be provided by by-law.

Officers **8.**—(1) The by-laws may provide for such officers as the conduct of the affairs of the Association may require and shall set out the term, qualification and method of appointment thereof.

Registrar (2) The Council shall appoint a Registrar who need not be a councillor and the Registrar shall perform the functions assigned to him by this Act and such other duties as may be assigned to him by the Council.

Proxy **9.** The by-laws shall make provision for the right of a member of the Association to be represented and to vote at general or other meetings of the members of the Association by proxy but a proxy must be a member in good standing.

By-laws **10.**—(1) The Council may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided elsewhere in this Act, the Council may pass by-laws,

(a) prescribing the qualifications for and the conditions of registration for students;

(b) prescribing the curriculum and the courses of study to be pursued by students in order to satisfy the academic requirements of any particular registration;

(c) prescribing the experience criteria to be met by candidates for registration;

(d) prescribing the subjects or matters upon which students and candidates for registration may be examined;

(e) regulating and governing the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, explusion or other penalty for professional misconduct, incapacity or incompetence;

(f) prescribing fees payable to the Association;

(g) governing the calling, holding and conducting of meetings of the Council and of the members of the Association;

(h) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;

(i) making provision for an executive committee to have all or such portion of the authority of Council between meetings of Council as may be prescribed therein; and

(j) authorizing the making of grants for any purpose that may tend to advance knowledge of technology and technical education, or which may improve standards of practice in the Association, or support and encourage public information and interest in the past and present role of the Association in society.

Idem

(2) Every new by-law or change to an existing by-law is effective when it is passed by the Council but expires with the close of the next annual meeting of the members of the Association held after its passing, unless it is confirmed by the meeting.

Idem

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Status

11.—(1) The Association shall grant any particular registration to every person who applies therefor in accordance with the by-laws and the rules of the Registration Board, if the person,

(a) is of good character;

(b) is not less than eighteen years of age;

(c) has satisfied such academic and experience requirements as may be specified in the by-laws or by the rules of the Registration Board; and

(d) has passed such examinations as the Council or the Registration Board may prescribe by by-law, rule or otherwise.

Interpretation

(2) Whenever this Act refers generally to members, the by-laws may determine whether the provision applies to Student Members.

Register

(3) The Registrar shall keep a register in which shall be entered the names of all members of the Association in good standing, their status, and the disciplines to which any registration or certification relates and within which any member has the rights and privileges of practice.

Idem

(4) The register referred to in subsection (3) shall be open to examination by the public at the head office of the Association during normal office hours.

Registration Board

12.—(1) The Council shall appoint a Registration Board, consisting of such number of members serving for such terms and of such categories as provided by by-law.

Rules

(2) The Registration Board may pass rules to deal consistently and generally with discretions relating to registration under this Act and the by-laws and to provide details not provided by the by-laws.

Appeal

(3) Any person refused registration by the Registrar may appeal the decision of the Registrar to the Registration Board by filing a notice of appeal with the Registrar.

Hearing

(4) Where a notice is filed under subsection (3), the Registration Board shall hear the person filing the notice.

Notification

(5) The Registrar shall notify the applicant of the decision of the Registration Board following the determination of any appeal.

Idem

(6) If the Board upholds the decision of the Registrar, the notification shall set forth the names of the members who heard the appeal and participated in the decision and their reasons.

Second appeal

(7) An applicant refused registration by the Registration Board may appeal to Council by filing a notice of further appeal with the Registrar.

Idem

(8) Whenever a notice of further appeal has been filed, the Council shall hear the appeal but no councillor who is a member of the Registration Board shall sit upon the appeal to Council.

Idem

(9) The Council shall give the applicant a reasonable opportunity to prepare his case and shall hear the applicant or his counsel, as the applicant may choose, and all those hearing the appeal as well as the applicant shall be furnished beforehand with the reports of the members of the Registration Board as to the reasons why they concurred in or disagreed with the Board's decision.

Appeals to Court

13.—(1) Any person who has been refused membership or who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court from the refusal or from the sanction.

Idem

(2) An appeal under this section may be made on questions of law or fact, or both, and the Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Association or the Court may refer the matter back for rehearing in whole or in part, in accordance with such directions as the Court considers proper.

Filing record

(3) Where a person appeals to the Divisional Court, the Registrar shall forthwith file in the Divisional Court a record of the relevant proceedings.

Designations

14. The Association may by by-law employ the designations "Certified Engineering Technician" and "Certified Technician" which may be abbreviated as "C.Tech." and the designations "Certified Engineering Technologist" and "Applied Science Technologist" which may be abbreviated as "A.Sc.T.".

Use of designation

15.—(1) No person who is not registered as a Certified Engineering Technician under this Act shall,

(a) use the designation "Certified Engineering Technician" or its abbreviation "C.E.T." alone or in combination with any other word, name, title, initial or description;

(b) use the designation "Certified Technician" or its abbreviation "C.Tech." alone or in combination with any other word, name, title, initial or description; or

(c) imply or hold out that he is a Certified Engineering Technician.

Idem

(2) No person who is not registered under this Act as a Certified Engineering Technologist shall,

(a) use the designation "Certified Engineering Technologist" or its abbreviation "C.E.T." alone or in combination with any other word, name, title, initial or description;

(b) use the designation "Applied Science Technologist" or its abbreviation "A.Sc.T." alone or in combination with any other word, name, title, initial or description; or

(c) imply or hold out that he is a Certified Engineering Technologist.

Offence

(3) Every person who contravenes any provision in this section is guilty of an offence.

Rights preserved

(4) This Act does not affect or interfere with the right of any person to describe himself as a technologist, engineering technologist, technician or engineering technician, or to work

as a technologist, engineering technologist, technician or engineering technician.

Evidence of registration

16.—(1) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the Registrar, is sufficient evidence of all persons who are registered and of the disciplines for which they are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as Registrar is proof, in the absence of evidence to the contrary, that such a person is the Registrar without any proof of his signature or of his being in fact the Registrar.

Idem

(2) The absence of the name of any person from a copy of the register produced under subsection (1) is proof, in the absence of evidence to the contrary, that the person is not registered, and the absence of the designation of a particular discipline in respect of the registration of a member in a copy of the register produced under subsection (1) is proof, in the absence of evidence to the contrary, that the person is not registered in respect of such discipline.

Surplus

17. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Commencement

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. The short title of this Act is the *Ontario Association of Certified Engineering Technicians and Technologists Act, 1984.*

CHAPTER Pr15

An Act to revive Marquis Video Corporation

Assented to November 27th, 1984

Preamble

Whereas Phil Lubman and Michael Angelo Cohen hereby represent that Marquis Video Corporation, herein called the Corporation, was incorporated by certificate of incorporation dated the 8th day of July, 1981; that the Minister of Consumer and Commercial Relations by order dated the 16th day of December, 1982 and made under the authority of section 241 of the *Business Corporations Act*, being chapter 54 of the Revised Statutes of Ontario, 1980, cancelled the certificate of incorporation of the Corporation for failure to comply with the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980, and declared the Corporation to be dissolved on the 16th day of December, 1982; that Phil Lubman and Michael Angelo Cohen were all the directors and the holders of the common shares of the Corporation at the time of its dissolution; and that Phil Lubman and Michael Angelo Cohen are the persons entitled to be the shareholders of the Corporation upon its revival; that failure to comply occurred by reason of inadvertence; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Revival

1. Marquis Video Corporation is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Marquis Video Corporation Act, 1984*.

CHAPTER Pr16

An Act respecting the London Regional Art Gallery

Assented to November 27th, 1984

Preamble

Whereas The Corporation of the City of London hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Board" means the Board of Directors of the Gallery;

(b) "Corporation" means The Corporation of the City of London;

(c) "Gallery" means London Regional Art Gallery;

(d) "General Membership" means the General Membership referred to in section 6.

Gallery continued

2.—(1) London Regional Art Gallery is hereby continued as a non-profit corporation without share capital.

Objects

(2) The objects of the Gallery are,

(a) to collect, preserve, house and display art of all forms;

(b) to promote interest in, and advance the study, knowledge and appreciation of, art of all forms;

(c) to provide facilities for the preservation, storage, housing and display of art of all forms; and

(d) to provide for education and instruction in art of all forms and for facilities for such education and instruction.

Board of directors

3.—(1) The Gallery shall be under the management, regulation and control of a board of directors consisting of,

(a) one person appointed by and from the council of the Corporation for such term of office not exceeding three years as the council shall decide;

(b) one person appointed by and from The London Public Library Board for such term of office not exceeding three years as the library board shall decide;

(c) one person elected by and from Canadian Artists' Representation for such term of office not exceeding three years as Canadian Artists' Representation shall decide;

(d) two persons elected by and from the Volunteer Committee of the Gallery for such term of office not exceeding three years as the Volunteer Committee shall decide;

(e) eight persons elected by and from the General Membership for such term of office not exceeding three years as the General Membership shall decide; and

(f) five persons elected under subsection (2) for such term of office not exceeding three years as the Board shall decide.

Idem

(2) The directors appointed or elected under clauses (1) (a) to (e) shall elect the five directors referred to in clause (1) (f) and one of the five directors shall be a professional artist residing in the City of London and who is not a member of Canadian Artists' Representation.

Idem

(3) The Board and the electing and appointing bodies referred to in clauses (1) (a) to (e) shall, in consultation with each other, stagger or vary the length of the terms of office of directors appointed or elected by them so that as nearly as possible the terms of office of four directors shall expire annually and where the Board and the electing and appointing bodies are unable to agree on the order in which directors' terms are to expire, the Board shall determine the matter.

Idem

(4) The failure to appoint or elect a director as provided in subsection (1), (2) or (6) does not invalidate the composition of the Board or impair the powers of the Board or of the remaining directors and, where a default continues for three

months after an appointment or election should have been made, the remaining directors may, but are not obliged to, elect a director to fill the vacancy.

Board vacancy

(5) A vacancy on the Board occurs when a director resigns, dies or becomes incapable of acting as a director or where the Board by resolution entered upon its minutes declares the seat of a director to be vacant by reason of his or her absence from three consecutive meetings of the Board without being authorized so to do by the Board.

Idem

(6) Where a vacancy on the Board occurs before the term of office for which a person has been appointed or elected has expired, the vacancy may be filled by the same authority which appointed or elected the person whose seat is vacant, and a person so appointed or elected shall hold office for the remainder of the term of office of the person whose seat is vacant.

Reappointment

(7) Directors shall hold office until their successors are appointed or elected and, subject to subsection (8), are eligible for reappointment or re-election.

Idem

(8) No director shall hold office for more than two consecutive terms commencing after this section comes into force excluding therefrom a term reduced under subsection (3) or the balance of an unexpired term for a person appointed or elected to the Board under subsection (6), but any such director shall again be eligible for reappointment or re-election after a lapse of one year after the expiration of the second of the two consecutive terms.

Directors to serve without compensation

(9) The directors shall serve without compensation, and no director shall, directly or indirectly, receive any profit as such but reasonable expenses incurred by any director in the performance of his or her duty may be paid.

Transition

(10) The term of office of the directors of the Gallery in office when this Act comes into force shall expire ninety days after the date this Act comes into force.

President and vice-president

4. The Board shall appoint or elect a president and a vice-president annually from among the directors and may provide that, upon the expiration of the term of office of the president, the vice-president shall become the president of the Board.

Executive committee

5.—(1) The Board may elect from among the directors an executive committee consisting of six directors and the Board may delegate to the executive committee any powers of the

Board subject to any restrictions imposed from time to time by the Board.

Quorum

(2) The executive committee may fix its quorum which shall be not less than one-half of its members and no business shall be transacted by the executive committee except at a meeting of its members at which a quorum of the executive committee is present.

Committees

(3) The Board may establish such other committees as the Board considers necessary and may delegate to any such committee such powers and duties as the Board may determine.

Advisory committee

(4) The Board may appoint an advisory committee composed of such persons as the Board may determine.

General membership

6. The Board may recognize and designate those persons who from time to time make subscriptions, gifts or donations of funds to the Gallery for any of its purposes as a General Membership consisting of the following categories or such other categories as the Board may establish from time to time:

1. Individual donors.
2. Corporate donors.
3. Patrons.
4. Benefactors.
5. Sustaining members.
6. Life members.

Powers of Board

7. The Board has such powers as are necessary for the purpose of carrying out its objects including the power,

(a) to purchase or otherwise acquire and to hold and to sell or otherwise dispose of any real or personal property for the purposes of the Gallery;

(b) to plan, erect, alter, maintain, operate and manage an art gallery or art galleries within the City of London;

R.S.O. 1980, c. 63

(c) subject to the *Charitable Gifts Act*, to collect and raise money by way of grants, gifts, donations, bequests, legacies and other payments and to hold, expend or deal with such funds; and

(d) to invest, in investments authorized under the *Trustee Act* for the investment of trust funds, moneys of the corporation not immediately required for its purposes. R.S.O. 1980, c. 512

Interpretation

8.—(1) In this section, "Library Board" means The London Public Library Board.

Conveyance of works of art to Gallery

(2) The Library Board may from time to time convey to the Gallery by way of gift, and without receiving consideration therefor, the interest of the Library Board in such works of art including, without limitation, paintings, prints, woodcuts and sculptures as the Library Board may by resolution determine, and as and from the date of each such conveyance to the Gallery the works of art so conveyed shall be used and administered in accordance with the purposes defined by any deed, will or other instrument creating any trust or obligation with respect thereto, and the Library Board shall be absolutely freed and discharged from all obligations and trusts with respect to the works of art so conveyed.

Vesting of trusts in Gallery

(3) All trust funds of every nature and kind held by the Library Board for the sole benefit of the London art gallery and museum which immediately prior to the 20th day of December, 1979, were vested in and were under the control of the Library Board including, without limitation, the funds received from the Alfred James Mitchell Estate, continue to be vested in the Gallery to be used and administered in accordance with the purposes defined by the deed, will or other instrument creating such trust, and the Library Board is absolutely freed and discharged from all obligations and trusts with respect to all such trust funds.

Idem

(4) All gifts, trusts, bequests, devises and grants of real or personal property or the income or proceeds thereof, heretofore or hereafter expressed by any person, body politic or corporation by deed, will or other instrument in writing to be made, given or conveyed to the Library Board solely for the London art gallery and museum shall, in so far as the same had not vested in possession or been carried into effect on the 20th day of December, 1979, in the absence of any expressed intention to the contrary set out in such deed, will or other instrument in writing, be construed as though the same had been expressed to be made to the Gallery and the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed, will or other instrument in writing, shall pay over or transfer all such moneys and property to the Gallery as and when the same becomes or may become payable or transferable, and the receipt of the Gallery shall be a sufficient discharge therefor.

Head office

9. The head office of the Gallery shall be situate in the City of London in the County of Middlesex.

Operating grant

10.—(1) The council of the Corporation may provide an annual operating grant to the Gallery.

Idem

(2) The Corporation shall have no obligation to subsidize operating costs of the Gallery beyond any annual grants which may be made under subsection (1).

Gallery deemed local board for purposes of R.S.O. 1980, c. 348

11. The Gallery shall be deemed to be, and, since the 1st day of January, 1978, to have been, a local board for the purposes of the *Ontario Municipal Employees Retirement System Act*.

Exemption from taxation

12. Property vested in or controlled by the Gallery shall be deemed to be exempt from taxation for municipal and school purposes in accordance with paragraph 9 of section 3 of the *Assessment Act*.

R.S.O. 1980, c. 31

Dissolution

13. Subject to any obligations or trusts defined by any deed, will or other instrument creating any trust or obligation with respect to the works of art owned, possessed or controlled by the Gallery, the property of the Gallery upon its dissolution shall be distributed after the payment of all debts and liabilities to the Corporation or to such organizations, having objects similar to those of the Gallery, as may be designated by the council of the Corporation, to be used for the purpose of such objects.

Repeals

14. The following are repealed:

1. Section 5 of *The City of London Act, 1974*, being chapter 148.

2. Section 13 of *The City of London Act, 1977*, being chapter 92.

3. Section 2 of *The City of London Act, 1978*, being chapter 128.

4. Section 4 of *The City of London Act, 1979*, being chapter 129.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is the *London Regional Art Gallery Act, 1984*.

CHAPTER Pr17

An Act respecting the City of London

Assented to November 27th, 1984

Preamble

Whereas The Corporation of the City of London, herein called the Corporation, hereby represents that the council of the Corporation was authorized by section 13 of *The City of London Act, 1960* to exempt by by-law The London Little Theatre Incorporated from municipal taxation, except for local improvement rates with respect to the Grand Theatre; that The London Little Theatre Incorporated is now known as Theatre London Foundation; that it is desirable that the authority to grant an exemption from taxation be extended to authorize an exemption from taxation for school purposes; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the exemption;

1960, c. 153

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tax exemption, Theatre London Foundation

1.—(1) The council of the Corporation may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, of Theatre London Foundation, being the land and building known as the Grand Theatre.

R.S.O. 1980, c. 31

Idem

(2) A by-law passed under subsection (1),

(a) may be restricted in its application to such part or parts of the land as is or are set out in the by-law;

(b) may provide that the exemption is subject to such terms and conditions as are set out in the by-law;

(c) shall not exempt any part or parts of the land that is or are not occupied and used for theatre purposes;

(d) shall not be effective in respect of an exemption from taxes for school purposes without the consent of The Board of Education for the City of London.

Retroactive by-law

2. A by-law passed under section 1 may be retroactive to the 1st day of January, 1984.

3. Section 13 of *The City of London Act, 1960*, being chapter 153, is repealed.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *City of London Act, 1984*.

CHAPTER Pr18

An Act respecting the Oshawa Young Women's Christian Association

Assented to November 27th, 1984

Preamble

Whereas the Oshawa Young Women's Christian Association, herein called the Association, hereby represents that it was incorporated by letters patent dated the 12th day of March, 1947; that the object of the Association is to assist the welfare needs of the community and to provide recreational and educational facilities for adults and youths of the community; that the Association is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Association has acquired certain lands that are subject to assessment and taxation by The Corporation of the City of Oshawa; that it is desirable that provision be made for exempting the real property of the Association situate in the City of Oshawa, more particularly described in the Schedule hereto, from taxation for municipal and school purposes, other than local improvement rates; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

R.S.C. 1952, c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tax exemption

1.—(1) The council of The Corporation of the City of Oshawa may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Association, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Association.

R.S.O. 1980, c. 31

Conditions

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Deemed exemption

2. For the purposes of subsection 97 (9) of the *Regional Municipality of Durham Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

R.S.O. 1980, c. 434

Retroactive by-law

3. A by-law passed under section 1 may be retroactive to the 1st day of January, 1985.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Oshawa Young Women's Christian Association Act, 1984*.

SCHEDULE

That parcel of land and premises situate in the City of Oshawa, in The Regional Municipality of Durham (formerly the County of Ontario), and being composed of Park Lot No. 1 on the west side of Simcoe Street and south side of McGrigor Street, and Park Lot No. 2 on the west side of Simcoe Street, all as laid out on part of Lot No. 11 in the First Concession of the said City, by John Shier, P.L.S., for John McGrigor, Plan N, now Plan No. H-50015.

CHAPTER Pr19

An Act respecting the Chartered Industrial Designers

Assented to November 27th, 1984

Preamble

Whereas the members of the Association of Canadian Industrial Designers-Ontario, an unincorporated body, are desirous of being incorporated for the purpose of carrying out the objects of the proposed corporation and of the government and discipline of its members; and whereas it is considered desirable to grant the members of the Association the right to use the designation "Chartered Industrial Designer"; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Association" means the Association of Chartered Industrial Designers of Ontario;

(b) "Board" means the Board of Governors of the Association;

(c) "by-law" means a by-law of the Association;

(d) "member" means member of the Association;

(e) "registered" means registered as a member under this Act and "registration" has a corresponding meaning;

(f) "registrar" means the registrar of the Association;

(g) "regular member" means any member except members of a class membership as specified in the by-laws;

(h) "student" means a student of the Association.

Association incorporated

2.—(1) The persons named in the Schedule and their successors as members of the Board are constituted a body corporate and politic without share capital under the name of "Association of Chartered Industrial Designers of Ontario".

Head office

(2) The head office of the corporation shall be in The Municipality of Metropolitan Toronto or at such other place in the Province of Ontario that may be so designated from time to time by the Board.

Objects

3. The objects of the Association are,

(a) to furnish means and facilities by which members and students may increase their knowledge, skill and efficiency in all things related to the business or profession of industrial design;

(b) to hold examinations and prescribe tests of competency deemed appropriate to qualify for admission to membership in the Association and the various classes thereof;

(c) to maintain discipline among members and students; and

(d) to supervise the practice of members and students in order that the public interest may be served and protected.

Powers

4. For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person.

Board of governors

5.—(1) The affairs of the Association shall be managed by the Board.

Composition

(2) The Board shall consist of not fewer than five or more than twenty-one members of the Association, as the Board may from time to time determine, elected from the membership of the Association.

Idem

(3) The Association may by by-law provide for the appointment of the Board of up to three persons who are not members.

Past president *ex officio* member

(4) The immediate past president of the Association from time to time shall be an *ex officio* member of the Board if and while that president is a member.

Honorary members

(5) Every person who is a past president of the Association or of the Association of Canadian Industrial Designers-

Ontario is an honorary member of the Board but as such only has the rights and privileges prescribed by the by-laws.

Matters covered by by-laws

(6) The manner of electing the members of the Board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Board and other necessary details shall be as set out in the by-laws.

Quorum

(7) At any meeting of the Board, a majority of the elected members of the Board constitutes a quorum.

Chairman, etc.

(8) The Board shall elect from its number a president and any other officer required by the by-laws and shall appoint a secretary-treasurer or a secretary and a treasurer, who need not be a member of the Board.

Vacancies

(9) In the case of the death, resignation or incapacity of any member of the Board, other than a past president serving under subsection 5 (4) or (5), the office shall be declared vacant by the Board and the Board shall fill the vacancy in the manner provided by the by-laws for the balance of the term.

Interpretation

(10) For the purpose of subsection (9), absence from three consecutive meetings of the Board may be treated by the Board as incapacity.

Registrar

(11) The Board shall appoint a registrar, who need not be a member of the Board, and the registrar shall perform the functions assigned to the registrar by this Act and such other duties as may be assigned to the registrar by the Board.

Proxies

6. At any general or special meeting, members may be represented by proxy, but,

(a) no proxy shall be exercised by a person who is not a member; and

(b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

By-laws

7.—(1) The Board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided in this Act, the Board may pass by-laws,

(a) prescribing the qualifications for and conditions of registration for students;

(b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members shall be examined and for granting certificates to students and candidates who have successfully passed the examinations;

(c) establishing and prescribing such classes of membership, the qualifications for admission thereto, and the privileges and limitations thereof as are necessary and in the public interest;

(d) regulating and governing the conduct of members in the practice of their business or profession by prescribing a code of ethics, rules of professional conduct, standards of practice and the form, use, issuance and ownership of seals;

(e) providing for the receipt and consideration of complaints made to the Association concerning the conduct of its members in the practice of their business or profession, including the establishment of a Complaints Committee;

(f) providing for and governing the discipline, suspension, expulsion or other penalty for professional misconduct, incapacity, incompetence, or failure or refusal to pay any required fee, compensation fund levy or insurance premium, including the establishment of a Discipline Committee and procedures therefor;

(g) prescribing fees payable to the Association;

(h) fixing and regulating the time, place, calling and conduct of annual and special general meetings of the Association and meetings of the Board;

(i) establishing and providing for the administration of a benevolent fund for the benefit of any member or the families of deceased members who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;

(j) authorizing the making of grants for any purpose that may tend to advance design knowledge and

education, improve standards of practice in industrial design and support and encourage public information and interest in the past and present role of industrial design in society;

(k) governing the acquisition, management, disposal and conduct of the property and affairs of the Association;

(l) designating offices of the corporation in addition to those required under subsection 5 (8);

(m) providing for the appointment, removal, functions, duties and remuneration of agents, officers and employees of the Association;

(n) establishing such standing committees as the Board considers necessary to carry out the business of the Association;

(o) providing procedures for the reception, review and resolution of complaints brought against any member of the Association;

(p) establishing and maintaining a professional liability claims fund for the purpose of paying therefrom, subject to the provisions of the by-law and any rules made thereunder, professional liability claims against members; and

(q) entering into any group contract of insurance with an insurer for the payment by the insurer of any professional liability claim, in whole or in part and with or without the expense of adjusting, settling and paying the claim, including legal fees and disbursements, where that claim or expense, if not paid under contract of insurance, would be payable out of the claims fund.

Confirmation of by-laws

(2) Every by-law passed by the Board is effective when it is passed by the Council but expires with the close of the next general meeting of the members unless it is confirmed by the meeting.

Inspection of by-laws

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Membership

8.—(1) The Association will grant a membership of any class in the Association to any person who applies therefor in accordance with the by-laws, if the person,

(a) is of good character;

(b) is not less than eighteen years of age;

(c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership in the class applied for;

(d) has passed the examinations the Board has set or approved in accordance with the by-laws; and

(e) has paid all required fees, compensation fund levies and insurance premiums.

Register

(2) The registrar shall keep a register for each class of membership in which shall be entered the names of all members in good standing of that class and only those persons so registered are members entitled to the privileges of membership in that class.

Inspection of register

(3) The registers shall be open to examination by the public at the head office of the Association during normal office hours.

Appeals

(4) Any person qualified for any class of membership in the Association who has been refused membership or who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of the Court, from the refusal to grant the membership or from the sanction.

Record

(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file in the Divisional Court a record of the proceeding that resulted in failure or a refusal to grant the membership or the decision imposing a sanction which, together with any transcript of evidence, shall constitute the record in the appeal.

Powers of Court

(6) An appeal under this section may be made on questions of law or fact, or both, and the Divisional Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Association or the Court may

refer the matter back for rehearing in whole or in part, in accordance with such directions as the Court considers proper.

Designation

9.—(1) Every regular member of the Association may,

(a) use the designation "Chartered Industrial Designer";

(b) use after the member's name the initials "A.C.I.D.O." indicating that the member is a Chartered Industrial Designer in Ontario; and

(c) use a seal in a form provided in the by-laws.

Offence

(2) Any person in Ontario who, not being a registered regular member of the Association, takes or uses the designation "Chartered Industrial Designer" or "A.C.I.D.O." alone or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that that person is a "Chartered Industrial Designer" is guilty of an offence.

Unregistered

(3) No action shall be brought in any court in Ontario or any fees, compensation or other remuneration collected for services performed as a Chartered Industrial Designer unless the person bringing the action or collecting the fee, compensation or other remuneration was a Chartered Industrial Designer at the time the service was performed.

Evidence

(4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register and any certificate upon such copy of the register purporting to be signed by a person in the capacity as registrar is proof, in the absence of evidence to the contrary, that the person is the registrar without proof of the person's signature or of that person being the registrar.

Idem

(5) The absence of the name of any person from a copy of a register produced under subsection (4) is proof, in the absence of evidence to the contrary, that the person is not registered.

Removal from register

10.—(1) The Board shall cause the removal of the name of a member from a register,

(a) at the request or with the written consent of the member whose name is to be removed;

(b) where the name has been incorrectly entered;

(c) where notification is received of a member's death; or

(d) where the registration of a member has been revoked or suspended.

Restoration to register

(2) Subject to subsection (3), the Board, on such grounds as it considers sufficient, may cause the name of a person removed from a register to be restored thereto either without fee or upon payment to the Association of,

(a) a sum not exceeding the fees or other sums in arrears and owing by the person to the Association; and

(b) such additional sum as may be prescribed by the by-laws.

Idem

(3) Where the name of a person who has been suspended or whose registration has been revoked is to be restored to the register, the Board may, by resolution, direct that the name be restored subject to such terms and conditions as the Board may specify.

Certificate of membership

11. The Board shall cause a certificate of membership to be issued to every person whose name is entered in a register of members and the certificate shall state the type and class of membership and all conditions or limitations imposed on the person to whom the certificate is issued.

Right to practise unaffected

12. This Act does not affect the right of any person who is not a member to offer or provide services similar to those offered or provided by a Chartered Industrial Designer in the Province of Ontario.

Surplus

13. All surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Liability

14. The Association or the Board or any member of the Association, the Board or any standing committee is not liable for any loss or damage suffered by any person as a result of anything done by it or them in good faith in the administration of this Act or by-laws made thereunder.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

16. The short title of this Act is the *Chartered Industrial Designers Act, 1984*. Short title

SCHEDULE

Gerry Beekenkamp—President

Paul Arato

Bert de Bobrovniczky

David Sambrook

Sid Bersudsky

Tim Stanley

Paul Almos

Jonathon Crinion

CHAPTER Pr20

An Act respecting the City of Nepean

Assented to November 27th, 1984

Preamble

Whereas The Corporation of the City of Nepean, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Licensing
R.S.O. 1980, c. 302

1.—(1) The authority and power of boards of commissioners of police under the *Municipal Act* to pass by-laws to license trades, callings, businesses, persons and things is vested in the council of the Corporation, including the authority and power of boards of commissioners of police to regulate and govern such trades, callings, businesses, persons and things.

Transition

(2) All by-laws passed before the day this Act comes into force by the Board of Commissioners of Police of the City of Nepean for the purposes set out in subsection (1) shall remain in full force and effect until amended or repealed by the council of the Corporation.

Power to suspend or revoke licences

2.—(1) Notwithstanding any general or special Act, where the council of the Corporation is authorized to pass by-laws for licensing any trade, calling or business or the person or persons carrying on or engaged in it, the council of the Corporation, after affording the licensee an opportunity to be heard, may suspend or revoke any such licence.

Temporary suspension

(2) Where the council of the Corporation is authorized under subsection (1) to suspend or revoke a licence, the council of the Corporation may by by-law authorize the chief licence inspector of the Corporation, without holding a hearing,

(a) to suspend any such licence for such time and subject to such conditions as the by-law may provide where the licensee has been convicted of a criminal

offence so long as the suspension is made within thirty days of the conviction and such suspension may be made notwithstanding that an appeal has been taken from the conviction;

(b) to suspend any such licence for such time and subject to such conditions as the by-law may provide where the chief licence inspector knows or has reason to believe that a safety standards certificate, under the *Highway Traffic Act,* was denied with respect to a motor vehicle used in the licensed trade business or calling if, without the appropriate repairs having been made, the motor vehicle is being used on any public highway;

R.S.O. 1980, c. 198

(c) to order a licensee to stop using any motor vehicle used in the licensed trade, calling or business until such time as the licensee provides the chief licence inspector with a safety standards certificate issued under the *Highway Traffic Act* with respect to the motor vehicle and the by-law may authorize the chief licence inspector to suspend, subject to such conditions as the by-law may provide, the licensee's licence if the licensee fails, within twenty-four hours of the making of the order, to comply with the order or provide proof satisfactory to the chief licence inspector that the motor vehicle is not being used on any public highway.

Idem

(3) No suspension of a licence by the chief licence inspector of the Corporation is effective after the expiration of two weeks from the date of suspension or after the next meeting of the council of the Corporation after the suspension, whichever occurs first.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *City of Nepean Act, 1984.*

CHAPTER Pr21

An Act respecting the City of Belleville

Assented to November 27th, 1984

Preamble

Whereas The Corporation of the City of Belleville, herein called the Corporation, hereby represents that by by-law Number 2449 of the Corporation, enacted pursuant to *The Public Parks Act*, being chapter 203 of the Revised Statutes of Ontario, 1914, now chapter 417 of the Revised Statutes of Ontario, 1980, and finally passed with the assent of the electors on the 5th day of February, 1923, the Board of Park Management of the City of Belleville, herein called the Board, was established; that the council of the Corporation considers it to be in the best interest of the citizens of the City of Belleville that the functions of the Board be placed under the control of the council of the Corporation as a department of the Corporation and that all assets and liabilities of the Board become assets and liabilities of the Corporation; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Board dissolved, functions, etc., transfered to Corporation

1. The Board of Park Management of the City of Belleville is hereby dissolved and all of the powers, rights, duties and privileges conferred and imposed upon the Board and all of its undertakings, assets and liabilities are hereby assumed by The Corporation of the City of Belleville without compensation.

By-laws continued

2. All by-laws of the Board shall continue as by-laws of the Corporation until amended or repealed.

Employees

3. The employees of the Board hereby become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation.

Council deemed board of park management R.S.O. 1980, c. 417

4. The council of the Corporation shall be deemed to be a board of park management for the purposes of the *Public Parks Act*.

By-law repealed

5. By-law Number 2449 of the Corporation is hereby repealed.

Commencement

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is the *City of Belleville Act, 1984*.

CHAPTER Pr22

An Act respecting the United Jewish Welfare Fund

Assented to November 27th, 1984

Preamble

Whereas the United Jewish Welfare Fund, herein called the "Welfare Fund", hereby represents that it was incorporated by letters patent dated the 4th day of June, 1938; that the Welfare Fund is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Welfare Fund has a freehold interest in land located in the City of North York and known municipally as 4600 Bathurst Street; that the land is used as the headquarters of the Welfare Fund and as the headquarters for related organizations carrying on educational, informational and social programs and fund-raising for the Jewish community; and whereas the Welfare Fund hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it and related organizations in the City of North York, from taxation for municipal and school purposes, except for local improvement rates; and whereas it is expedient to grant the application;

R.S.C. 1952, c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Tax exemption

1.—(1) The council of The Corporation of the City of North York may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act,* occupied by the Welfare Fund and related organizations, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Welfare Fund and its related organizations.

R.S.O. 1980, c. 31

Conditions

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Deemed exemption

2. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

R.S.O. 1980, c. 314

Retroactivity

3. A by-law passed under section 1 may be retroactive to the 1st day of August, 1983.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *United Jewish Welfare Fund Act, 1984*.

SCHEDULE

That parcel of land and premises situate in the City of North York, in The Municipality of Metropolitan Toronto, being composed of Part 1, shown as a Part of Block A on Registered Plan 1899, Instrument No. 280309.

CHAPTER Pr23

An Act respecting the City of Ottawa

Assented to November 27th, 1984

Preamble

Whereas The Corporation of the City of Ottawa, herein called the Corporation, hereby represents that it is desirable that it be given the power to acquire real property outside the City of Ottawa for the purpose of erecting fire stations; that it is also desirable that its private legislation related to pedestrian promenades be re-enacted so as to consolidate the several provisions related thereto and to amend the said legislation so that the council of the Corporation will have the power to determine the qualifications of the members of pedestrian promenade authorities and to determine their terms of office; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Acquisition of land for firehalls outside city limits

1.—(1) The Corporation, with the consent of the council of the area municipality where the real property is located, may,

(a) acquire by gift or purchase;

R.S.O. 1980, c. 148

(b) subject to the *Expropriations Act*, expropriate; or

(c) lease,

any real property outside the City of Ottawa, but within the Regional Area of Ottawa-Carleton, that is desirable for the establishment and operation of one or more fire stations, on such terms and conditions as the council of the Corporation considers appropriate.

Disposition of land

(2) The Corporation may sell or otherwise dispose of any real property acquired under clause (1) (a) or (b) when the council of the Corporation is of the opinion that the real property is no longer required for municipal purposes.

Interpretation
R.S.O. 1980, c. 439

(3) For the purpose of this section, "area municipality" and "Regional Area" have the same meaning as in the *Regional Municipality of Ottawa-Carleton Act*.

Interpretation

2.—(1) In this section, "authority" means a pedestrian promenade authority established under subsection (7) or under a predecessor thereof.

Pedestrian promenades
R.S.O. 1980, c. 302

(2) Notwithstanding the *Municipal Act*, on the petition of or with the consent of a majority of the owners representing at least one-half of the value of the lots to be assessed and subject to the approval of the Ontario Municipal Board, the council of the Corporation may pass by-laws for establishing all or any part of any highway under the jurisdiction of the Corporation or The Regional Municipality of Ottawa-Carleton solely or principally as a pedestrian promenade and for prohibiting the use thereof by vehicles or any class thereof, and for permitting the obstruction of the promenade in such manner and to such extent as the council of the Corporation may consider desirable.

Idem

(3) A by-law passed under subsection (2) with respect to a highway under the jurisdiction of The Regional Municipality of Ottawa-Carleton shall not come into effect until it is approved by the Regional Council by by-law and the Regional Council may, as a condition of its approval, impose such terms and conditions as it considers appropriate.

Minister's approval

(4) No by-law passed under subsection (2) and no by-law that amends or repeals any such by-law shall come into force without the approval of the Minister of Transportation and Communications.

No right to damages

(5) Notwithstanding any general or special Act, no person shall be entitled to recover any damages or compensation from the Corporation for loss of business or for loss of access to or from any highway or for any injurious affection to land, as defined in the *Assessment Act*, arising from the exercise by the Corporation of its powers under this section.

R.S.O. 1980, c. 31

Apportionment of costs

(6) Subject to the approval of the Ontario Municipal Board, the cost of establishing, operating and maintaining a pedestrian promenade in the City of Ottawa shall be apportioned between the Corporation and owners of property abutting on a pedestrian promenade as the council of the Corporation may prescribe and the owners' portion of the cost shall be specially assessed upon the lots abutting directly on a pedestrian promenade, and in this respect the provisions of the *Local Improvement Act* apply with necessary modifications.

R.S.O. 1980, c. 250

Pedestrian promenade authorities

(7) The council of the Corporation may by by-law establish pedestrian promenade authorities and may entrust to an authority the construction, maintenance, control, operation and management of one or more pedestrian promenades within the City of Ottawa as set out in the by-law.

Body corporate

(8) Each authority is a body corporate.

Membership

(9) The council of the Corporation shall by by-law for each authority,

(a) prescribe the numbers of members of the authority;

(b) determine the conditions of eligibility for appointment as members of the authority; and

(c) determine the term of office for the members, which term may be different for different members.

Vacancies

(10) Where a vacancy in an authority occurs from any cause, the council shall appoint immediately a person qualified, as set out in a by-law passed under subsection (9), to be a member and the person so appointed shall hold office for the remainder of the term for which the person's predecessor was appointed.

Reappointment

(11) A member of an authority is eligible for reappointment on the expiration of the member's term of office.

Remuneration

(12) The members of an authority may be paid such salary or other remuneration as may be fixed by a by-law of the council.

Powers

(13) Upon the passing of the by-law establishing an authority, all the powers, rights, duties, obligations, authorities and privileges conferred on and duties imposed on the Corporation by any general or special Act with respect to the construction, maintenance, operation and management of the pedestrian promenade or promenades described in the by-law shall be exercised by the authority, but subject to such limitations as the by-law may provide.

3. The following are repealed:

1. Section 3 of *The City of Ottawa Act, 1960*, being chapter 161.

2. *The City of Ottawa Act, 1965*, being chapter 163.

3. Section 3 of *The City of Ottawa Act, 1980*, being chapter 119.

4. The *City of Ottawa Act, 1982*, being chapter 82.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *City of Ottawa Act, 1984*.

CHAPTER Pr24

An Act respecting the Association of Registered Interior Designers of Ontario

Assented to November 27th, 1984

Preamble

Whereas the Interior Designers of Ontario hereby represents that it was incorporated under the name of Society of Interior Decorators of Ontario by letters patent dated the 20th day of November, 1933; that it was continued as a body corporate and politic under the name of The Society of Interior Designers of Ontario under *The Society of Interior Decorators of Ontario Act, 1956*, being chapter 120; and that by supplementary letters patent dated the 29th day of February, 1968 it changed the name of the Corporation to "Interior Designers of Ontario"; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members; and whereas the Association considers it desirable to grant to members of the Association the right to use the designation "Registered Interior Designer"; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Association" means The Association of Registered Interior Designers of Ontario;

(b) "Annual Meeting" means a meeting of the Association open to the full membership held each year before the 31st day of March for the purpose of electing the Board of Management and considering any other business;

(c) "Board" means the Board of Management of the Association;

(d) "by-law" means a by-law of the Association;

(e) "General Meeting" means a meeting of the Association open to the full membership called by the Board for the purpose of confirming a by-law or by-laws and considering any other business;

(f) "IDO" means the Interior Designers of Ontario;

(g) "registered" means registered as a member under this Act, and "registration" has a corresponding meaning;

(h) "Registrar" means the Registrar of the Association;

(i) "Special Meeting" means a meeting open to the full membership called in response to a request in writing of not less than 20 per cent of voting members of the Association;

(j) "student" means a student member of the Association.

Association continued

2.—(1) The Interior Designers of Ontario is hereby continued as a corporation without share capital under the name "The Association of Registered Interior Designers of Ontario" and the persons registered as members of IDO on the day this Act comes into force and such other persons as become members of the Association constitute the corporation.

First Board

(2) The first Board and officers of the Association shall be the existing nine elected directors of IDO and the six persons named in the Schedule and they shall hold office until their successors are appointed or elected in accordance with this Act and the by-laws.

Letters patent revoked

(3) The letters patent of IDO are revoked but the revocation of the letters patent does not affect the rights or obligations of IDO or any by-law, resolution or appointment of IDO except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Objects

3. The objects of the Association are,

(a) to furnish means and facilities by which members of the Association and students may increase their knowledge, skill and efficiency in all things related to the business or profession of an interior designer;

(b) to hold examinations and set tests of competency appropriate to qualify for admission to membership in the Association;

(c) to maintain discipline among members of the Association and students;

(d) to supervise the practice of members of the Association and students in order that the public interest may be served and protected; and

(e) to seek and maintain membership in the Interior Designers of Canada and such other design organizations as the Association considers necessary or desirable.

Board of Management

4.—(1) The affairs of the Association shall be managed by the Board of Management.

Composition

(2) The Board shall consist of not fewer than nine or more than fifteen active members of the Association as defined by the by-laws, as the Board may from time to time determine, elected from the membership of the Association.

Idem

(3) The Association may by by-law provide for the appointment to the Board of up to three persons who are not members of the Association.

Idem

(4) The manner of electing the members of the Board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Board and other necessary details shall be as set out in the by-laws.

Quorum

(5) At any meeting of the Board, two thirds of the voting members of the Board constitutes a quorum.

Officers

(6) The Board shall elect from its number a president, a vice-president; and shall appoint a secretary and a treasurer, who need not be members of the Board.

Vacancies

(7) In the case of the death, resignation or incapacity of any member of the Board, the office shall be declared vacant by the Board and the Board shall fill the vacancy in the manner provided by the by-laws for the balance of the term and, for the purposes of this subsection, absence from three consecutive meetings of the Board may be treated by the Board as incapacity.

Registrar

(8) The Board shall appoint a Registrar, who need not be a member of the Board, and the Registrar shall perform the functions assigned to him by this Act and such other duties as may be assigned to him by the Board.

Proxies

5. At any Annual, General or Special Meeting, members of the Association may be represented and vote by proxy but,

(a) no proxy shall be exercised by a person who is not a member of the Association; and

(b) the proxy shall be exercised in accordance with the by-laws.

By-laws

6.—(1) The Board may propose by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, the Board may propose by-laws to,

(a) prescribe the qualifications for membership in and registration by the Association;

(b) prescribe a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members of the Association shall be examined, and for granting certificates to students and candidates who have successfully passed the examinations;

(c) provide for the continuing education and professional development of its members;

(d) establish and prescribe such categories of membership as are necessary for the purposes of the Association and in the public interest;

(e) regulate and govern the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice;

(f) provide for the receipt and consideration of complaints made to the Association concerning the conduct of its members in the practice of their business or profession, including the establishment of a Complaints Committee and procedures therefor;

(g) prescribe fees payable to the Association;

(h) fix and regulate the time, place, calling and conduct of Annual, General and Special Meetings of the Association and meetings of the Board;

(i) establish and provide for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;

(j) authorize the making of grants for any purpose that may tend to advance interior design knowledge and education, improve standards of practice in interior design or support and encourage public information and interest in the past and present role of interior design in society;

(k) govern the acquisition, management, disposal and conduct of the property and affairs of the Association;

(l) provide for the appointment, removal, functions, duties and remuneration of agents, officers and employees of the Association;

(m) establish such standing committees as the Board may consider necessary to carry out the business of the Association;

(n) establish and maintain a professional liability claims fund for the purpose of paying therefrom, subject to the by-laws and any rules made thereunder, professional liability claims against members;

(o) provide for and establish requirements for categories of membership or types of projects for which members must secure professional liability insurance, including minimum limits of insured professional liability;

(p) enter into any group contract of insurance with an insurer for the payment by the insurer of professional liability claims, in whole or in part and with or without the expense of adjusting, settling and paying the claim, including legal fees and disbursements, where that claim or expense, if not paid under contract of insurance, would be payable out of the claims fund; and

(q) provide for the appointment of an auditor for the Association.

Disciplinary proceedings

(2) The Board shall propose by-laws to,

(a) provide for and govern the discipline, supervision, expulsion or other penalty for professional misconduct, incapacity or other incompetence, including,

(i) establishment of a Discipline Committee and its procedures, and

(ii) establishment of an Appeals Committee of the Board and its procedures; and

(b) provide for admission as members of the Association experienced persons who practice in the field of interior design and can demonstrate proficiency in the practice of designing interior space, and such by-laws may,

(i) establish such additional requirements for admission as are necessary for the purposes of the Association and in the public interest,

(ii) establish a committee and its procedures for reviewing applications for admission, and

(iii) specify a cut-off date for applications for membership from experienced persons.

Member's proposal

(3) A member entitled to vote at an Annual, General or Special Meeting of the Association may make a proposal to make, amend or repeal a by-law.

Idem

(4) The Board must receive a member's proposal at the office of the Association at least thirty days before the Annual Meeting at which it will be considered.

Consideration of member's proposal

(5) Upon receiving a proposal from a member to enact, amend or repeal a by-law, the Board shall cause the proposal to be published in the agenda for the next Annual Meeting of the Association, which agenda shall be distributed to the membership in accordance with the by-laws, but when there is not sufficient time before the next Annual Meeting of the Association to distribute the proposal in accordance with the provisions of the by-laws, the proposal shall be contained in the agenda for the next following Annual, General or Special Meeting and shall be distributed to the membership in accordance with the by-laws of the Association.

Special Meeting

(6) Twenty per cent of the members entitled to vote at an Annual, General or Special Meeting of the Association may request that the Board call and hold a Special Meeting to make, amend or repeal a by-law and consider any other business.

Written request

(7) A request under subsection (6) must be in writing and set out the objects and reasons for the requested Special Meeting.

Procedure

(8) Upon receipt of a request for a Special Meeting by not less than 20 per cent of the members, the Board shall call and convene the meeting in accordance with the by-laws.

Ratification of by-laws

(9) No by-law or change to an existing by-law is effective until it is ratified by the voting members of the Association at an Annual, General or Special Meeting.

Inspection of by-law

(10) The by-laws shall be open to examination by the public at the head office of the Association during normal office hours.

Membership

7.—(1) The Association will grant a membership in the Association to every person who applies therefor in accordance with the by-laws, if the person,

(a) is not less than eighteen years of age;

(b) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership;

(c) has passed such examinations as the Board may set or approve in accordance with the by-laws; and

(d) the past conduct of the person affords reasonable belief that such person will carry on the practice of interior design in accordance with law and with integrity and honesty.

Hearing

(2) The by-laws shall provide that,

(a) an application for membership may be refused; or

(b) a disciplinary sanction may be imposed,

only after a hearing.

Register

(3) The Registrar shall keep a register in which shall be entered the names of all members of the Association in good

standing and only those persons so registered are members entitled to the privileges of membership in the Association.

Inspection of register

(4) The register shall be open to examination by the public at the head office of the Association during normal office hours.

Appeals

(5) A person who has been refused membership or who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.

Certified copy of record

(6) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee therefor, the Registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Powers of court on appeal

(7) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Designation

8.—(1) Every active member of the Association as defined in the by-laws may use the designation "Registered Interior Designer" and may use after the member's name the initials "A.R.I.D.O." indicating that the member is a Registered Interior Designer in Ontario.

Offence

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Registered Interior Designer" or "A.R.I.D.O." along or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that that person is a Registered Interior Designer is guilty of an offence.

Unregistered Interior Designer

(3) No person who is not a Registered Interior Designer may bring an action in Ontario in any court or collect fees, compensation or other remuneration, for services performed as a Registered Interior Designer.

Evidence

(4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of

the Registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in that person's capacity as Registrar is proof, in the absence of evidence to the contrary, that such a person is the Registrar without any proof of that person's signature or that the person is the Registrar.

Idem

(5) The absence of the name of any person from a copy of the register produced under subsection (4) is proof, in the absence of evidence to the contrary, that the person is not registered.

Removal from register

9.—(1) The Board shall cause the removal of the name of a member from the register,

(a) at the request or with the written consent of the member whose name is to be removed;

(b) where the name has been incorrectly entered;

(c) where notification is received of a member's death; or

(d) where the registration of a member has been suspended or revoked through disciplinary proceedings.

Restoration to register

(2) Subject to subsection (3), the Board, on such grounds as it considers sufficient, may cause the name of a person removed from the register to be restored thereto either without fee or upon payment to the Association of,

(a) a sum not exceeding the fees or other sums in arrears and owing by the person to the Association; and

(b) such additional sum as may be prescribed by the by-laws.

Idem

(3) Where the name of a person who has been suspended or whose registration has been suspended or revoked under clause (1) (d) is to be restored to the register under subsection (2), the Board may, by resolution, direct that the name be restored subject to such terms and conditions as the Board may impose.

Certificate of membership

10. The Board shall cause a certificate of membership to be issued each year to every person whose name is entered in the register which certificate shall state the date upon which it

expires, the type of membership and every condition and limitation imposed on the person to whom the certificate is issued.

Right to practise unaffected

11. This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as an interior designer in the Province of Ontario.

Surplus

12. Every surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and no surplus shall be divided among its members.

Liability

13. No action or other proceeding for damages shall be instituted against the Association, the Board, a committee of the Association or a member of the Association, the Board or committee of the Association, or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Repeal

14. *The Society of Interior Designers of Ontario Act, 1956*, being chapter 120, is repealed.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is the *Association of Registered Interior Designers of Ontario Act, 1984*.

SCHEDULE

Alan Fairbrass

Sonia Lemishka

Helen Moffett

Joan O'Brien

Joanne Dickinson

Del McMillan

CHAPTER Pr25

An Act respecting the Town of Iroquois Falls

Assented to November 27th, 1984

Preamble

Whereas The Corporation of the Town of Iroquois Falls hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

(a) "Commission" means the hydro-electric commission established under section 2;

(b) "Corporation" means The Corporation of the Town of Iroquois Falls.

Commission established

2. A hydro-electric commission, to be known as "The Iroquois Falls Hydro-Electric Commission", is hereby established, as a local board of the Corporation, to supply hydro-electric power on and after the 1st day of January, 1985 to those areas of the Town of Iroquois Falls not served by Ontario Hydro on the 31st day of December, 1984.

Application of R.S.O.1980, c. 423

3. The Commission shall be deemed to be a commission established under Part III of the *Public Utilities Act*.

Composition

4.—(1) The Commission shall consist of,

(a) the mayor of the Corporation, who shall be a member of the Commission by virtue of office; and

(b) four other members appointed by the council of the Corporation.

Qualifications

(2) A member of the Commission appointed under clause (1) (b), at the time of his or her appointment, must reside in the area served by the Commission and must be a person who

would be eligible to be elected as a member of the council of the Corporation.

Term of office

(3) Members of the Commission appointed under clause (1) (b) shall serve for a term expiring with the life of the council that appointed them and until their successors are appointed and all such members are eligible for re-appointment.

Commissioners not ineligible for election

(4) A member of the Commission is not disqualified from election as a member of a municipal council or from sitting on or voting therein by reason only of being a member of the Commission.

First Commission

(5) Notwithstanding subsection (1), for the term ending on the 30th day of November, 1985, the members of the Commission shall be the mayor of the Corporation, who shall be a member of the Commission by virtue of office, and Robert Papineau, Wayne Thomas and Dalton Denault and one other person to be appointed by the council of the Corporation who shall all serve until their successors are appointed.

Assumption of assets and liabilities

5. The Corporation, on or after the 1st day of January, 1985, may acquire all of the assets and assume all of the liabilities of Abitibi-Price Inc., pertaining to the hydro-electric distribution system of Abitibi-Price Inc., for distributing hydro-electric power to BioShell Inc., and throughout the former Townsite of Iroquois Falls, as that system existed on the 31st day of December, 1984.

Assent of electors not required

6. The assent of the municipal electors of the Corporation for the establishment of the Commission, the acquisition of the assets and assumption of the liabilities of the hydro-electric distribution system referred to in section 5 and the operation of a hydro-electric distribution system by the Commission is not and shall be deemed never to have been required.

Contract with Ontario Hydro

7.—(1) The Commission, without obtaining the assent of the municipal electors of the Corporation or other approval or authorization, may contract with Ontario Hydro for the transmission and supply to the Commission of power to be distributed and sold in the areas of the Town of Iroquois Falls served by the Commission.

Idem

(2) A contract under subsection (1) shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

R.S.O. 1980, c. 302

Commencement

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is the *Town of Iroquois Falls Act, 1984*.

CHAPTER Pr26

An Act respecting the City of North York

Assented to December 14th, 1984

Preamble

Whereas The Corporation of the City of North York, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Authority to pass by-laws, pest control and animal traps

1.—(1) The council of the Corporation may pass by-laws,

(a) for requiring the tenants and occupant owners of units in any multiple residential building to permit the treatment of the premises they occupy by pest exterminators licensed under the *Pesticides Act*, R.S.O. 1980, c. 376 whenever,

(i) such premises are infested by insects, rodents or other vermin and, in the opinion of the medical officer of health of the municipality, such treatment is necessary in the interests of public health, or

(ii) in the opinion of the medical officer of health of the municipality, such treatment is necessary for the effective control of an infestation by insects, rodents or other vermin in the building of which the premises they occupy form part,

and for providing that in default thereof by such tenants or owners, the medical officer of health of the municipality may authorize such treatment in the place and stead of such tenants or owners;

(b) for requiring,

R.S.O. 1980, c. 84

(i) the condominium corporation for any multiple residential building registered under the *Condominium Act*, and

(ii) the owner of any other multiple residential building,

to have an annual pest control inspection of the building, including the residential premises in the building carried out by a pest exterminator licensed under the *Pesticides Act* and to submit to the medical officer of health of the municipality a written report of the inspection prepared by the pest exterminator in a form prescribed by by-law and for requiring any necessary treatment of the building or parts thereof to be carried out at the time of the annual inspection; and

R.S.O. 1980, c. 376

(c) for purchasing animal traps, other than body-gripping or leg-hold traps, and for loaning or renting the traps to residents of the municipality on such terms as the council considers advisable.

Notice of entry to premises re pest control

(2) A by-law passed under clause (1) (a) or (b) shall provide that no person shall enter any residential premises for the purposes of treating or inspecting any premises as authorized or required under those clauses unless written notice has first been given to the tenant or occupant owner at least twenty-four hours before the time of entry, and the time of entry shall be during daylight hours and specified in the notice, but nothing in this subsection shall be construed to prohibit entry with the consent of the tenant or occupant owner at the time of entry.

Repeals

(3) Clause 1 (1) (b) and subsection 1 (2) of the *City of North York Act, 1980*, being chapter 117, are repealed.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *City of North York Act, 1984*.

CHAPTER Pr27

An Act respecting the City of Windsor

Assented to December 14th, 1984

Preamble

Whereas The Corporation of the City of Windsor, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1.—(1) In this section,

(a) "officer" means a person designated by the council of the Corporation to enforce by-laws passed under this section;

(b) "owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on the person's own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to maintain any untravelled portion of a highway right of way;

(c) "property standards committee" means the property standards committee established by by-law number 8062 of the Corporation.

Clearing of debris and cutting of grass on untravelled portion of highways

(2) The council of the Corporation may pass by-laws,

(a) prescribing standards for the cutting of grass on that part of a highway right of way extending from the property line of the land abutting the highway to the curb or, where there is no curb, to the edge of the travelled portion of the highway; and

(b) requiring the owner of land abutting a highway to keep that part of the highway right of way extending from the property line of the owner's land to the curb or, where there is no curb, to the edge of the travelled portion of the highway, free and clear of debris and requiring the owner to cut the grass on such part of the highway right of way in accordance with the standards prescribed under clause (a).

Non-application of by-law

(3) A by-law passed under subsection (2) does not apply to any part of a highway right of way lying between a fence and the travelled portion of a highway if the fence was erected pursuant to an agreement between an owner of land and the Corporation.

Notice of violation

(4) If, after an inspection, an officer is satisfied that in some respect an owner has failed to comply with a by-law passed under subsection (2), the officer may serve, or cause to be served on, or sent by certified mail to, the owner a notice containing particulars of the non-compliance.

Order to comply

(5) After affording an owner served with a notice provided for in subsection (4) an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or sent by certified mail to the owner, an order requiring that the owner comply with the by-law passed under subsection (2) and containing,

(a) the municipal address or legal description of the property abutting the highway right of way;

(b) a direction stating what must be done to comply with the by-law passed under subsection (2) and the period within which there must be compliance; and

(c) the final date for giving notice of appeal from the order which date shall be not less than fourteen days after the service of the order.

Service

(6) A notice or order under subsection (4) or (5) when sent by certified mail shall be sent to the last known address of the person to whom it is sent and it shall be deemed to have been served on the day it is delivered to that address.

Idem

(7) If the officer is unable to effect service under subsection (4) or (5), the officer shall place a placard containing the terms of the notice or order in a conspicuous place on the owner's lands, and the placing of the placard shall be deemed to be sufficient service of the notice or order upon the owner.

Appeal

(8) Where an owner upon whom an order under subsection (5) has been served is not satisfied with the terms or conditions of the order, the owner may appeal to the property standards committee by sending notice of appeal by personal delivery or by certified mail to the secretary of the committee within the period provided in the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

Decision on appeal

(9) Where an appeal has been taken, the property standards committee shall hear the appeal and shall have all the powers and functions of an officer and may confirm the order or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the property standards committee, the general intent and purpose of the by-law are maintained.

Time for compliance

(10) Upon an order being deemed to be confirmed under subsection (8) or being confirmed under subsection (9), the owner shall forthwith comply with the order and where an order is modified or time is extended under subsection (9), the owner shall comply with the order, as modified, forthwith where time is not extended or within the time as extended.

Limitations

(11) Nothing in this section,

(a) affects the powers of the Corporation under Part XIX of the *Municipal Act* to enforce a by-law passed under this section, but where the Corporation removes debris or cuts grass on a highway right of way before the owner is required under subsection (10) to comply with an order, the Corporation shall not be entitled to recover the expense from the owner; or R.S.O. 1980, c. 302

(b) affects any right or duty of the Corporation with respect to any highway right of way.

Signs re smoking

2.—(1) The council of the Corporation may pass by-laws for requiring and regulating the posting of signs in school buses and in those parts of buildings and structures to which the public has access advising the public that smoking is prohibited in all or part of such buildings, structures or school buses.

Idem

(2) The power to require and regulate the posting of signs under subsection (1) includes the power to inspect at any reasonable time school buses and those parts of buildings and structures to which a by-law passed under said subsection (1) applies.

3. Subsection 2 (2) of the *City of Windsor Act, 1982* (No. 2), being chapter 94, is amended by striking out "for the spouses and dependants of deceased employees and retired employees" in the ninth and tenth lines and inserting in lieu thereof "for retired employees, their spouses and dependants and for the spouses and dependants of deceased employees".

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *City of Windsor Act, 1984*.

CHAPTER Pr28

An Act to revive Bargnesi Mines Limited

Assented to December 14th, 1984

Preamble

Whereas Elsa Anisio, *nee* Elsa Bargnesi, hereby represents that Bargnesi Mines Limited, herein called the Corporation, was incorporated by letters patent dated the 11th day of February, 1959; that the Minister of Consumer and Commercial Relations by order dated the 18th day of May, 1976 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for failure to comply with section 134 of *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, and declared the Corporation to be dissolved on the 18th day of May, 1976; that Alfio Bargnesi and his mother, Seconda Bargnesi, were majority shareholders and directors of the Corporation and held the offices of president and secretary of the Corporation, respectively, and that both died intestate prior to the date of the Corporation's dissolution; that the said Seconda Bargnesi died after Alfio Bargnesi and she was survived by her daughters Elsa Anisio, the applicant herein, and Alfia Bargnesi; that at the time of its dissolution the Corporation owned certain lands that had been transferred to the Corporation by the said Alfio Bargnesi; that the applicant as an heir-at-law of the said Seconda Bargnesi and Alfio Bargnesi is of the opinion that the Corporation should be revived so that the Corporation may deal with the said lands; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Company revived

1. Bargnesi Mines Limited is hereby revived and is, subject to any rights acquired by any other person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dis-

solution, in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Bargnesi Mines Limited Act, 1984*.

CHAPTER Pr29

An Act respecting the City of St. Catharines

Assented to December 14th, 1984

Preamble

Whereas The Corporation of the City of St. Catharines, herein called the Corporation, hereby represents that the commercial area of the former Town of Port Dalhousie, now part of the City of St. Catharines, at the northern terminus of the First, Second and Third Welland Canals is an area with a special identity and character to be given protection and enhancement according to the provisions of the official plan of the City of St. Catharines; that the portico at premises municipally known as 12 Lakeport Road, in the City of St. Catharines, within the Port Dalhousie commercial area, encroaches upon Lakeport Road, a public highway within the jurisdiction of the Corporation, but not so as to interfere with the free flow and safe passage of persons using the highway; that a portion of the building at the same premises encroaches upon Hogan's Alley, a public highway within the jurisdiction of the City of St. Catharines, but not so as to interfere with the free flow and safe passage of persons using the highway; that paragraph 101 of section 210 of the *Municipal Act* permits councils to pass by-laws permitting encroachments inadvertently erected upon a highway; that the Corporation has authorized the inadvertent encroachments of the said portico upon Lakeport Road and the building upon Hogan's Alley by an agreement made under the said paragraph 101; that the said agreement, dated the 28th day of April, 1980, was registered in the Land Registry Office for the Registry Division of Niagara North (No. 30) on the 30th day of April, 1980, as instrument number 416097; that the owner of the property municipally known as 12 Lakeport Road wishes to cover the said portico and building with glass enclosures; that the council of the Corporation wishes to approve the request and permit the encroachment, but the said paragraph 101 does not apply so as to permit the Corporation such approval; and the Corporation hereby seeks special legislation to permit such encroachment upon a public highway; and whereas the Corporation applies for special legislation authorizing the encroachment and providing for matters incidental thereto; and whereas it is expedient to grant the application;

R.S.O. 1980, c. 302

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Powers re encroachments at 12 Lakeport Road

1.—(1) The council of the Corporation may pass by-laws for authorizing one or more agreements between the Corporation and the owner of the land and premises municipally known as 12 Lakeport Road, as described in the Schedule, for the construction, maintenance and use of one or more glass enclosures over portions of Lakeport Road and Hogan's Alley abutting the said land and premises, upon such terms and conditions as may be agreed upon, and for making such annual or other charge as the council considers reasonable, and for providing that the owners of the said land and premises shall indemnify the Corporation for any and all claims arising from injury or damage to any person or property resulting from the construction, maintenance or use of every such enclosure.

Collection of charge R.S.O.1980, c. 302

(2) Clause (a) of paragraph 101 of section 210 of the *Municipal Act* applies with necessary modifications to the collection of a charge imposed under subsection (1).

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *City of St. Catharines Act, 1984*.

SCHEDULE

That parcel of land and premises situate in the City of St. Catharines, in The Regional Municipality of Niagara, formerly in the Town of Port Dalhousie, in the County of Lincoln, and being composed of lots 5 and 6 and part of lots 4 and 7, as shown on a plan registered in the Land Registry Office for the Registry Division of Niagara North as Registered Plan No. 31 and which said parcel may be more particularly described as follows:

Commencing at a point in the westerly limit of Lakeport Road (formerly known as Front Street) distant therein north 29 degrees 06 minutes and 10 seconds east, 190.36 feet from its intersection with the northerly limit of Lock Street;

Thence north 29 degrees 06 minutes and 10 seconds east in the said westerly limit, 64.71 feet to a point distant south 29 degrees 06 minutes and 10 seconds west, 46.10 feet from the northeast angle of Lot 8 as shown on the said Plan No. 31;

Thence north 60 degrees 01 minutes and 10 seconds west, 70.48 feet to the westerly limit of Lot 7 as shown on the said Plan;

Thence south 29 degrees and 42 minutes west in the easterly limit of an alley, 67.0 feet;

Thence south 61 degrees 52 minutes and 10 seconds east, 71.18 feet, more or less, to the point of commencement.

Also situate that parcel of land and premises, situate in the City of St. Catharines, in The Regional Municipality of Niagara, formerly in the Town of Port Dalhousie, in the County of Lincoln, and being composed of part of the unnumbered Block as shown on a plan registered in the Land Registry Office for the Registry Division of Niagara North as Registered Plan No. 31 and which said parcel may be more particularly described as follows:

Commencing at the northeast angle of Lot 8 as shown on the said Registered Plan No. 31;

Thence north 60 degrees 53 minutes and 50 seconds west in the northerly limit of said Lot 8, 70.0 feet to the northwest angle thereof;

Thence continuing north 60 degrees 53 minutes and 50 seconds west, 20.0 feet to the northeast angle of the said unnumbered Block;

Thence south 29 degrees and 42 minutes west in the easterly limit of said unnumbered Block and being also in the westerly limit of a 20 foot alley, 50.0 feet to a point which said point is the place of beginning of the herein described parcel;

Thence south 29 degrees 42 minutes west continuing in the westerly limit of the said alley, a distance of 77.3 feet to a point;

Thence north 36 degrees 18 minutes west, a distance of 25.5 feet to a point;

Thence south 53 degrees 42 minutes west, a distance of 21.3 feet to a point;

Thence south 36 degrees 18 minutes east, a distance of 34.7 feet to a point in the westerly limit of the aforementioned alley;

Thence south 29 degrees 42 minutes west, a distance of 31.7 feet to its intersection with the westerly limit of a 12 foot alley running parallel to Lock Street;

Thence north 41 degrees 41 minutes and 10 seconds west in the northerly limit of the said 12 foot alley, 147.84 feet to its intersection with the easterly limit of a 12 foot alley running parallel to Main Street;

Thence north 48 degrees 21 minutes and 50 seconds east in the said easterly limit of the said last mentioned alley, a distance of 88.61 feet to a point;

Thence south 60 degrees 53 minutes and 50 seconds east, a distance of 111.75 feet, more or less, to the point of commencement.

Premising that the easterly limit of the alley running between lots 2 to 8 inclusive and the said unnumbered Block as shown on the said Plan No. 31 has an astronomical bearing of north 29 degrees 42 minutes east and relating all bearings herein thereto.

CHAPTER Pr30

An Act respecting the Town of Cobourg

Assented to December 14th, 1984

Preamble

Whereas The Corporation of the Town of Cobourg, herein called the Corporation, hereby represents that The Cobourg Parks and Recreation Board, herein called the Board, was established by *The Town of Cobourg Act, 1975*; that the council of the Corporation considers it to be in the best interest of the citizens of the Town of Cobourg that the functions of the Board be placed under the control of the council as a department of the Corporation and that all assets and liabilities of the Board become assets and liabilities of the Corporation and that an advisory board on parks and recreation matters be established; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

1975, c. 93

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Board dissolved, functions transferred

1. The Cobourg Parks and Recreation Board is hereby dissolved and all of the powers, rights, duties and privileges conferred and imposed upon the Board and all of its undertakings, assets and liabilities shall be assumed by the Corporation without compensation.

By-laws continued

2. All by-laws of the Board shall continue as by-laws of the Corporation until amended or repealed.

Transfer of employees

3. Upon the dissolution of the Board, the employees thereof shall become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation.

Council deemed board

4. The council of the Corporation shall be deemed to be a board of park management for the purposes of the *Public Parks Act*.

R.S.O. 1980, c. 417

Advisory committee

5. The council of the Corporation, by by-law,

(a) may appoint a parks and recreation advisory committee composed of such number of residents of the Town of Cobourg, being not less than three and not more than nine in number, as the by-law provides, to advise the council on the establishment of policies covering the operation of parks and recreation activities in the Town; and

(b) may establish terms of reference and operating procedures for the advisory committee.

Repeal

6. *The Town of Cobourg Act, 1975*, being chapter 93 and *The Town of Cobourg Act, 1979*, being chapter 117, are repealed.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *Town of Cobourg Act, 1984*.

TABLE OF PUBLIC STATUTES

Showing all Acts contained in the Revised Statutes of Ontario, 1980 and all other Public Acts enacted in 1981, 1982, 1983 and 1984, together with amendments and repeals. *Asterisk indicates official translation into French is available in office consolidation form.

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*Agricultural Tile Drainage Installation Act	15		
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*Child and Family Services Act, 1984	...	1984,c. 55	
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DEGREE GRANTING ACT: 1983,c. 36 (30th June, 1984).

ENVIRONMENTAL PROTECTION ACT: R.S.O.1980,c. 141,s. 137 (4) (4th March, 1984).

ENVIRONMENTAL PROTECTION AMENDMENT ACT: 1983,c. 52,ss. 1 to 6, 15 to 23 (1), 24 to 27 (1st January, 1984); 1983,c. 52,ss. 7 to 11 (5th February, 1984); 1983,c. 52,ss. 12 to 14 and s. 23 (2), (3) and (4) (4th March, 1984).

EXPROPRIATIONS AMENDMENT ACT: 1983,c. 47 (15th July, 1983).

EXTRA-PROVINCIAL CORPORATIONS ACT: 1984,c. 14 (1st March, 1985).

FARM PRODUCTS CONTAINERS ACT: 1982,c. 53 (30th June, 1983).

FARM PRODUCTS GRADES AND SALES AMENDMENT ACT: 1984,c. 40 (1st September, 1984).

FIRE MARSHALS AMENDMENT ACT: 1981,c. 8,ss. 2, 3 (2) (1st December, 1983).

GRAIN CORN MARKETING ACT: 1984,c. 26 (1st September, 1984).

GRAIN ELEVATOR STORAGE ACT: 1983,c. 40 (1st July, 1984).

HEALING ARTS RADIATION PROTECTION ACT: R.S.O.1980,c. 195,ss. 2, 15, 16, 17, 18 (1st August, 1981); ss. 1, 3, 4, 6, 8 to 14, 19 to 27 (1st February, 1984); ss. 5 and 7 (1st July, 1985).

HEALTH PROTECTION AND PROMOTION ACT: 1983,c. 10 (1st July, 1984).

HIGHWAY TRAFFIC ACT: R.S.O.1980,c. 198,ss. 195 to 198 (Part XV) (1st April, 1981).

HIGHWAY TRAFFIC AMENDMENT ACT: 1981,c. 48,s. 8 (1st April, 1982); 1982, c. 28,s. 2 (1st October, 1982); 1982,c. 28,s. 3 (1st November, 1982); 1982,c. 28,s. 5 (3) and (4) (1st September, 1983); 1982,c. 15,ss. 1 to 7, 9, 10, 12 to 15 (1st December, 1982); 1984,c. 21,ss. 9 to 15, s. 16 [124 (1) and (4) to (29)] and ss. 17 and 18 (1st September, 1984).

HOMES FOR THE AGED AND REST HOMES ACT: R.S.O.1980,c. 203,s. 12 (5) (1st March, 1982).

HUMAN RIGHTS CODE: 1981,c. 53 (15th June, 1982).

IMMUNIZATION OF SCHOOL PUPILS AMENDMENT ACT: 1983,c. 76,ss. 2 to 4 (15th January, 1984); 1983,c. 76,s. 1 (1st July, 1984).

INSURANCE ACT: R.S.O.1980,c. 218,s. 404 (1st April, 1981); ss. 398 to 403, 405 (1st October, 1981).

INTERPROVINCIAL SUBPOENAS ACT: R.S.O.1980,c. 220 (1st January, 1985).

JUDICATURE AMENDMENT ACT: 1981,c. 23 (27th July, 1981).

LAND REGISTRATION REFORM ACT: 1984,c. 32,ss. 1 to 22 (25), 22 (27) to 26 (1st November, 1984).

LIQUOR LICENCE AMENDMENT ACT: 1984,c. 4 (18th May, 1984).

LIVE STOCK BRANDING AMENDMENT ACT: 1981,c. 36 (1st March, 1982).

MENTAL HEALTH ACT: R.S.O.1980,c. 262,ss. 66 and 67 (1st March, 1984).

METROPOLITAN POLICE FORCE COMPLAINTS PROJECT ACT: 1981,c. 43 (21st December, 1981).

MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS AMENDMENT ACT: 1984,c. 5 (18th May, 1984).

MOTORIZED SNOW VEHICLES AMENDMENT ACT: 1982,c. 13 (1st September, 1982).

MUNICIPAL BOUNDARY NEGOTIATIONS ACT: 1981,c. 70 (1st February, 1982).

MUNICIPAL CONFLICT OF INTEREST ACT: 1983,c. 8 (1st March, 1983).

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT: 1982,c. 29,ss. 5 and 12 (1) (1st October, 1982).

ONTARIO WASTE MANAGEMENT CORPORATION ACT: 1981,c. 21,s. 5 (30th September, 1983).

ONTARIO WATER RESOURCES AMENDMENT ACT: 1981,c. 50,ss. 3, 4, 5 (17th March, 1982); 1981,c. 50,ss. 1 and 2 (1st November, 1984); 1983,c. 51,s. 3 (4) and (5) (1st November, 1984).

OPERATING ENGINEERS AMENDMENT ACT: 1982,c. 42 (20th September, 1982).

PENSION BENEFITS AMENDMENT ACT: 1983,c. 2 (10th February, 1983).

PLANNING ACT: 1983,c. 1,ss. 1 to 39, 41 to 73 (1) and 74 to 76 (1st August, 1983).

PLANNING STATUTE LAW AMENDMENT ACT: 1983,c. 5 (1st August, 1983).

POLICE AMENDMENT ACT: 1983,c. 57 (29th February, 1984).

PROFESSIONAL ENGINEERS ACT: 1984,c. 13 (1st September, 1984).

PROVINCIAL COURTS AMENDMENT ACT: 1983,c. 85 (2nd April, 1984).

PROVINCIAL OFFENCES STATUTE LAW AMENDMENT ACT: 1983,c. 80 (2nd April, 1984).

PUBLIC COMMERCIAL VEHICLES AMENDMENT ACT: 1981,c. 71,ss. 1, 2 (2), 3, 9, 11, 12, 13 (1), 15 (3) (15th February, 1982).

PUBLIC SERVICE SUPERANNUATION AMENDMENT ACT: 1984,c. 22,ss. 1 to 11, s. 13 and ss. 15 to 19 (1st January, 1985).

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT: 1982,c. 9 (1st October, 1982).

REGIONAL MUNICIPALITIES AMENDMENT ACT: 1982,c. 26,ss. 8, 12, 19, 24, 33, 43, 52, 57, 61, 66, 70, 75, 79, 84, 88, 93 and 97 (1st October, 1982).

REGISTERED INSURANCE BROKERS ACT: R.S.O.1980,c. 444, ss. 1, 4, 6, 8 to 12, 15 to 27, 30, 31, 33 to 35 (1st April, 1981); ss. 2, 3, 5, 7, 13, 14, 28, 29, 32, 36 (1st October, 1981).

REGISTRY AMENDMENT ACT: 1981,c. 17 (1st August, 1981).

RESIDENTIAL COMPLEX SALES REPRESENTATION ACT: 1983,c. 67 (19th December, 1983).

SHEEP AND WOOL MARKETING ACT: 1981,c. 32 (15th March, 1982).

SHORELINE PROPERTY ASSISTANCE ACT: R.S.O.1980,c. 471,s. 15 (15th May, 1981).

SMALL CLAIMS COURTS AMENDMENT ACT: 1983,c. 22,s. 2 (2nd August, 1983).

THEATRES AMENDMENT ACT: 1984,c. 56,ss. 1 to 5, 7, 9 to 11, 13, 14, 16, 20 to 22, 24 and 25 (1st February, 1985).

THUNDER BAY (CITY OF) AMENDMENT ACT: 1983,c. 11,s. 1 (1st August, 1983).

TORONTO DISTRICT HEATING CORPORATION ACT: 1980,c. 73,s. 21 (9th July, 1982); ss. 2 to 15, 17 to 20, 22 to 28 and 30 (1st November, 1982).

TORONTO FUTURES EXCHANGE ACT: 1983,c. 19 (21st October, 1983).

UNIFIED FAMILY COURT ACT: R.S.O.1980,c. 515,s. 3 (6) (1st October, 1982).

UNIFIED FAMILY COURT AMENDMENT ACT: 1982,c. 21,s. 4 (19th January, 1983); 1983,c. 86 (2nd April, 1984).

WAGES AMENDMENT ACT: 1983,c. 68 (1st March, 1984).

B

ACTS AND PARTS OF ACTS NOT PROCLAIMED AS OF FEBRUARY 11th, 1985

BOILERS AND PRESSURE VESSELS AMENDMENT ACT: 1983,c. 33.

BUSINESS CORPORATIONS ACT: 1982,c. 4,s. 151 (5).

CHARITABLE INSTITUTIONS ACT: R.S.O.1980,c. 64,ss. 4 (1), 5 (3).

CHILD AND FAMILY SERVICES ACT: 1984,c. 55.

CONDOMINIUM ACT: R.S.O.1980,c. 84,ss. 36 (7), 56 and 57.

CONSOLIDATED HEARINGS ACT: 1981,c. 20,s. 3 (3).

CORPORATIONS INFORMATION AMENDMENT ACT: 1984,c. 3.

CREDIT UNIONS AND CAISSES POPULAIRES AMENDMENT ACT: 1983,c. 46,ss. 2, 16, 17, 21 and 22.

DANGEROUS GOODS TRANSPORTATION ACT: 1981,c. 69.

DAY NURSERIES ACT: R.S.O.1980,c. 111,s. 19 (1).

ENVIRONMENTAL PROTECTION ACT: R.S.O.1980,c. 141, *See* s. 14 (3) (for repeal of s. 14 (1) and (2)); Part IX (ss. 79-111), s. 136 (7).

GAME AND FISH ACT: R.S.O.1980,c. 182,s. 93 (2).
GASOLINE HANDLING ACT: R.S.O.1980,c. 185,s. 18.

HEALTH PROTECTION AND PROMOTION ACT: 1983,c. 10, *See* s. 89 (for repeal of ss. 87 and 88).
HIGHWAY TRAFFIC ACT: R.S.O.1980,c. 198,ss. 18 (6), 63 (1) and (2).
HIGHWAY TRAFFIC AMENDMENT ACT: 1982,c. 15,ss. 8 and 11; 1984,c. 21,s. 3 (1) and (2), s. 4 (1) and s. 16 [124 (2) and (3)].

INNKEEPERS ACT: R.S.O.1980,c. 217, *See* s. 8.
INSURANCE ACT: R.S.O.1980,c. 218,ss. 369 (1), 370 (1) to (7), 371 (1) to (4).

LANDLORD AND TENANT ACT: R.S.O.1980,c. 232, *See* s. 131.

MINISTRY OF THE ATTORNEY GENERAL ACT: R.S.O.1980,c. 271,s. 8 (1).
MINISTRY OF CORRECTIONAL SERVICES AMENDMENT ACT: 1984,c. 66,s. 12 (2), (4) and (6).
MUNICIPAL ACT: R.S.O.1980,c. 302, *See* s. 502 (for repeal of s. 210,par.152).

NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT: R.S.O.1980,c. 316, *See* s. 26 (9).

ONTARIO ENERGY BOARD ACT: R.S.O.1980,c. 332, *See* s. 1 (2); Part II (s. 45).
ONTARIO WASTE MANAGEMENT CORPORATION ACT: 1981,c. 21, *See* s. 15 (3).
ONTARIO WATER RESOURCES ACT: R.S.O.1980,c. 361, *See* s. 16 (6) (for repeal of s. 16 (3) and (4)).

PLANNING ACT: 1983,c. 1,ss. 40 and 73 (2).
PROCEEDINGS AGAINST THE CROWN AMENDMENT ACT: 1983,c. 88.
PROVINCIAL OFFENCES ACT: R.S.O.1980,c. 400,Part II.
PUBLIC COMMERCIAL VEHICLES AMENDMENT ACT: 1983,c. 79; 1984,c. 20.
PUBLIC LIBRARIES ACT: 1984,c. 57.

REGIONAL MUNICIPALITY OF NIAGARA ACT: R.S.O.1980,c. 438, *See* s. 31 (3) (for repeal of s. 31 (2)).
REGISTRY ACT: R.S.O.1980,c. 445, *See* s. 86 (6) (for repeal of s. 86).
RESIDENTIAL TENANCIES ACT: R.S.O.1980,c. 452,ss. 5 to 59, 62 to 69, 74, 111 to 113, 116, 119, 135 (1) and Schedule.

SALE OF GOODS ACT: R.S.O.1980,c. 462,s. 25 (3).

THEATRES AMENDMENT ACT: 1984,c. 56,ss. 6, 8, 12, 15, 17, 18, 19 and 23.
TILE DRAINAGE ACT: R.S.O.1980,c. 500, *See* s. 3 (6,7).
TORONTO TRANSIT COMMISSION, GRAY COACH LINES, LIMITED AND GO TRANSIT LABOUR DISPUTES SETTLEMENT ACT: 1984,c. 42, *See* s. 14 (3) (for repeal of Part II).
TRAVEL INDUSTRY ACT: R.S.O.1980,c. 509,ss. 3 (3) and 14 (1), (2).

WORKERS' COMPENSATION AMENDMENT ACT: 1984,c. 58.

TABLE OF PRIVATE ACTS

Cumulative Supplement

To the 31st day of December, 1984

This is a cumulative supplement to the Table of Private Acts published in Volume 9 of the Revised Statutes of Ontario, 1980. The cumulative supplement is arranged under the same headings as the Table that it supplements.

Many Private Acts listed in the Table to Volume 9 of the Revised Statutes of Ontario, 1980, were repealed by the *Municipal Private Acts Repeal Act, 1983*, being chapter 73.

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Municipal Private Acts

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Huntsville, Town	1981,c.87
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Municipal Private Acts (Continued)

Name	Year and Chapter
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Malton Memorial Recreation Association	1983,c.Pr37
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amended		281/82	May 15/82
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amended		281/82	May 15/82
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amended		676/84	Nov. 10/84
Non-Salaried Court Reporters and Court Monitors (revoked by 36/84)		282/82	May 15/82
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	R.R.O. 1980	O.Reg.	Date of Gazette
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amended		278/81	May 23/81
amended		281/82	May 15/82
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amended		404/84	July 14/84
(revoked by 811/84)			
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amended		245/83	May 14/83
amended		404/84	July 14/84
(revoked by 812/84)			
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Investigation Fee - Official Guardian		495/81	Aug. 8/81
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amended		852/82	Jan. 15/83
amended		99/83	Mar. 5/83
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	R.R.O. 1980	O.Reg.	Date of Gazette
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amended		187/81	Apr. 11/81
amended		271/81	May 16/81
amended		481/81	Aug. 1/81
amended		615/81	Oct. 3/81
amended		698/81	Nov. 7/81
amended		814/81	Dec. 26/81
amended		69/82	Feb. 20/82
amended		311/82	May 22/82
amended		455/82	July 17/82
amended		549/82	Aug. 21/82
amended		553/82	Aug. 21/82
amended		720/82	Nov. 13/82
amended		71/83	Feb. 12/83
amended		274/83	May. 21/83
amended		461/83	Aug. 6/83
amended		580/83	Oct. 1/83
amended		648/83	Oct. 29/83
amended		697/83	Nov. 19/83
amended		729/83	Dec. 10/83
amended		766/83	Dec. 24/83
amended		63/84	Feb. 18/84
amended		79/84	Feb. 25/84
amended		310/84	June 2/84
amended		327/84	June 9/84

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amended		72/81	Mar. 7/81
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amended		730/83	Dec. 10/83
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amended		816/81	Dec. 26/81
amended		145/83	Mar. 26/83
amended		521/83	Sept. 3/83
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amended		817/81	Dec. 26/81
amended		760/82	Dec. 4/82
amended		29/83	Feb. 5/83
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General		28/83	Feb. 5/83
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General	102		
amended		169/81	Apr. 11/81
amended		590/81	Sept. 12/81
amended		24/83	Jan. 29/83
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amended		346/82	June 12/82
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amended		275/82	May 8/82
amended		518/82	Aug. 14/82
amended		814/82	Jan. 1/83
amended		514/83	Aug. 27/83
amended		512/84	Aug. 25/84
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amended		245/82	May 1/82
amended		254/82	May 1/82
amended		268/82	May 8/82
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amended		37/83	Feb. 5/83
amended		754/83	Dec. 17/83
amended		796/83	Jan. 7/84
amended		82/84	Feb. 25/84
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amended		376/81	June 20/81
amended		307/83	June 4/83
amended		573/83	Sept. 24/83
amended		464/84	Aug. 4/84
Burley Tobacco	201		
amended		375/81	June 20/81
amended		308/83	June 4/83
amended		572/83	Sept. 24/83
amended		463/84	Aug. 4/84
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Carrots		217/82	Apr. 24/82
amended		271/83	May. 21/83
amended		461/84	Aug. 4/84
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amended		304/81	May 23/81
amended		92/82	Mar. 6/82
amended		215/82	Apr. 24/82
amended		44/83	Feb. 5/83
amended		141/84	March 17/84
Corn	205		
amended		310/81	May 30/81
amended		89/82	Mar. 6/82
amended		45/83	Feb. 5/83
amended		147/84	March 17/84
Cucumbers		462/84	Aug. 4/84
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amended		311/81	May 30/81
amended		94/82	Mar. 6/82
amended		630/82	Oct. 9/82
amended		388/83	July 9/83
amended		359/84	June 23/84
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amended		793/82	Dec. 18/82
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amended		504/82	Aug. 7/82
amended		263/83	May 21/83
amended		355/84	June 23/84
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amended		50/83	Feb. 5/83
amended		145/84	March 17/84
amended		466/84	Aug. 4/84
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amended		146/84	March 17/84
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amended		350/81	June 13/81
amended		503/82	Aug. 7/82
amended		358/84	June 23/84
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amended		287/81	May 23/81
amended		220/82	Apr. 24/82
amended		750/82	Nov. 27/82
amended		265/83	May 21/83
amended		460/84	Aug. 4/84

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amended		286/81	May 23/81
amended		221/82	Apr. 24/82
amended		751/82	Nov. 27/82
amended		264/83	May 21/83
amended		361/84	June 23/84
Peaches	215		
amended		770/81	Dec. 5/81
amended		794/82	Dec. 18/82
amended		38/83	Feb. 5/83
amended		794/83	Jan. 7/84
Pears	216		
amended		771/81	Dec. 5/81
amended		753/82	Nov. 27/82
amended		39/83	Feb. 5/83
amended		795/83	Jan. 7/84
Peas	217		
amended		289/81	May 23/81
amended		307/82	May 22/82
amended		273/83	May 21/83
amended		357/84	June 23/84
Peppers	218		
amended		404/81	July 4/81
amended		95/82	Mar. 6/82
amended		270/83	May 21/83
amended		459/84	Aug. 4/84
Plums	219		
amended		772/81	Dec. 5/81
amended		754/82	Nov. 27/82
amended		40/83	Feb. 5/83
amended		797/83	Jan. 7/84
Popping Corn		312/81	May 30/81
amended		96/82	Mar. 6/82
amended		218/82	Apr. 24/82
amended		269/83	May 21/83
Potatoes		314/81	May 30/81
amended		97/82	Mar. 6/82
amended		49/83	Feb. 5/83
amended		142/84	Mar. 17/84
Rutabagas		315/81	May 30/81
amended		98/82	Mar. 6/82
amended		223/82	Apr. 24/82
amended		268/83	May 21/83
amended		510/84	Aug. 25/84
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amended		773/81	Dec. 5/81
amended		755/82	Nov. 27/82

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amended		42/83	Feb. 5/83
amended		798/83	Jan. 7/84
Soybeans	222		
amended		309/81	May 30/81
amended		90/82	Mar. 6/82
amended		46/83	Feb. 5/83
amended		144/84	Mar. 17/84
(revoked by 297/84)			
Spanish Onions		316/81	May 30/81
amended		222/82	Apr. 24/82
amended		752/82	Nov. 27/82
amended		267/83	May 21/83
amended		360/84	June 23/84
Specialty Crops		313/81	May 30/81
amended		219/82	Apr. 24/82
amended		266/83	May 21/83
amended		465/84	Aug. 4/84
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amended		306/81	May 23/81
amended		91/82	Mar. 6/82
amended		47/83	Feb. 5/83
amended		140/84	Mar. 17/84
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amended		774/81	Dec. 5/81
amended		795/82	Dec. 18/82
amended		41/83	Feb. 5/83
amended		799/83	Jan. 7/84
Sweet Corn	225		
amended		290/81	May 23/81
amended		308/82	May 22/82
amended		272/83	May 21/83
amended		362/84	June 23/84
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amended		291/81	May 23/81
amended		309/82	May 22/82
amended		309/83	June 4/83
amended		356/84	June 23/84
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amended		305/81	May 23/81
amended		93/82	Mar. 6/82
amended		216/82	Apr. 24/82
amended		48/83	Feb. 5/83
amended		139/84	March 17/84
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amended		99/82	Mar. 6/82
amended		571/83	Sept. 24/83
amended		635/84	Oct. 27/84

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amended.....		298/84	May 26/84
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General.....		760/83	Dec. 17/83
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Corporation of the Township of Chapleau - CHAP-TP-1		418/83	July 16/83
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Corporation of the Township of Sydenham - SYDE-TP-1		196/83	Apr. 16/83
Corporation of the Township of Sydenham - SYDE-TP-2		600/84	Oct. 6/84
Corporation of the Township of Tiny - TINY-TP-1		599/84	Oct. 6/84
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Ganaraska Region Conservation Authority and the Corporation of the Town of Port Hope - PHOP-2		483/83	Aug. 20/83
Gloucester Hydro - GLOU-C-1		371/84	June 30/84
Hamilton Region Conservation Authority - HMR - 01		468/82	July 24/82
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Ministry of Citizenship and Culture - MCC-1		279/82	May 15/82
Ministry of Energy - Energy-1		655/81	Oct. 17/81
Ministry of the Environment - MOE-21		659/81	Oct. 17/81
- MOE-22		762/81	Nov. 28/81
- MOE-24		832/81	Jan. 2/82
- MOE-23		880/81	Jan. 16/82
- MOE-24/2		646/82	Oct. 16/82
- MOE-25		237/83	May 7/83

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- MOE-26		664/83	Oct. 29/83
- MOE-27		179/84	Apr. 14/84
Ministry of Government Services			
- MGS-43		23/81	Feb. 14/81
- MGS-44		318/81	May 30/81
- MGS-45		430/81	July 11/81
- MGS-46		658/81	Oct. 17/81
- MGS-47		761/81	Nov. 28/81
- MGS-49		170/82	Apr. 3/82
- MGS-48		263/82	May 8/82
- MGS-50		780/82	Dec. 11/82
- MGS-51		781/82	Dec. 11/82
- MGS-52		14/83	Jan. 22/83
- MGS-53		366/83	July 9/83
- MGS-54		35/84	Feb. 11/84
- MGS-55		34/84	Feb. 11/84
- MGS-56		273/84	May 19/84
- MGS-57		439/84	July 28/84
- MGS-58		440/84	July 28/84
- MGS-59		441/84	July 28/84
Ministry of Natural Resources			
- MNR-33		164/81	Apr. 4/81
- MNR-11/3		284/81	May 23/81
- MNR-17/2		347/81	June 6/81
- MNR-35		373/81	June 20/81
- MNR-19/3		431/81	July 11/81
- MNR-34		433/81	July 11/81
- MNR-32/2		653/81	Oct. 17/81
- MNR-36		710/81	Nov. 7/81
- MNR-31/2		882/81	Jan. 16/82
- MNR-19/4		883/81	Jan. 16/82

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- MNR-37		194/82	Apr. 17/82
- MNR-11/4		261/82	May 8/82
- MNR-30/2		264/82	May 8/82
- MNR-39 (revoked by 320/83)		467/82	July 24/82
- MNR-38		614/82	Oct. 2/82
- MNR-40		681/82	Oct. 30/82
- MNR-35/2		10/83	Jan. 22/83
- MNR-19/5		11/83	Jan. 22/83
- MNR-41		12/83	Jan. 22/83
- MNR-11/5		13/83	Jan. 22/83
- MNR-39/2		320/83	June 11/83
- MNR-30/3		348/83	June 25/83
- MNR-43		364/83	July 9/83
- MNR-11/6		417/83	July 16/83
- MNR-28/2		654/83	Oct. 29/83
- MNR-26/2		655/83	Oct. 29/83
- MNR-29/2		656/83	Oct. 29/83
- MNR-30/4		723/83	Dec. 3/83
- MNR-11/7		2/84	Jan. 21/84
- MNR-26/3		221/84	Apr. 28/84
- MNR-46		226/84	Apr. 28/84
- MNR-47		338/84	June 16/84
- MNR-11/8		442/84	July 21/84
- MNR-26/4		444/84	July 28/84
- MNR-50		536/84	Sept. 1/84
- MNR-49		613/84	Oct. 13/84
- MNR-39/3		660/84	Nov. 3/84
- MNR-30/5		710/84	Nov. 17/84
- MNR-35/3		711/84	Nov. 17/84

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Ministry of Transportation and Communications			
- MTC-37		115/81	Mar. 14/81
- MTC-38		191/81	Apr. 18/81
- MTC-39		257/81	May 16/81
- MTC-40		406/81	July 4/81
- MTC-42		465/81	July 25/81
- MTC-43		654/81	Oct. 17/81
- MTC-41		657/81	Oct. 17/81
- MTC-44		660/81	Oct. 17/81
- MTC-45		735/81	Nov. 21/81
- MTC-47		736/81	Nov. 21/81
- MTC-46		737/81	Nov. 21/81
- MTC-48		739/81	Nov. 21/81
- MTC-50		16/83	Jan. 22/83
- MTC-51		148/83	Apr. 2/83
- MTC-52		707/83	Nov. 19/83
- MTC-53		809/83	Jan. 14/84
Municipality of Metropolitan Toronto			
- MERO-1		881/81	Jan. 16/82
- MERO-1/2		215/83	Apr. 30/83
Municipalities of Ontario			
- MUNI-1		300/84	May 26/84
Ontario Energy Corporation			
- OEC-2/2		656/81	Oct. 17/81
- OEC-5		884/81	Jan. 16/82
Ontario Hydro			
- OH-23/2		875/81	Jan. 16/82
- OH-25		169/82	Apr. 3/82
- OH-26		539/82	Aug. 21/82
- OH-26/2		682/82	Oct. 30/82
- OH-27		2/83	Jan. 22/83
- OH-28		342/83	June 25/83

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- OH-29		319/84	June 9/84
- OH-30		320/84	June 9/84
- OH-31		747/84	Dec. 8/84
Ontario Northland Transportation Commission			
- MNA-4		285/81	May 23/81
- MNA-5		106/82	Mar. 13/82
- MNA-6		107/82	Mar. 13/82
- MNA-7		54/83	Feb. 5/83
St. Clair College of Applied Arts and Technology - MCU-2		19/81	Feb. 7/81
South Lake Simcoe Conservation Authority			
- CA-SLS-1		379/81	June 20/81
- SLS-02		341/83	June 25/83
- SLS-03		340/83	June 25/83
The Corporation of the City of Oshawa - OSH-1		163/81	Apr. 4/81
The Corporation of the Improvement District of Dubreuilville - DUBR-1D-1		3/83	Jan. 22/83
The Corporation of the Town of Kapuskasing - MUN-TWN-KAP-1		367/83	July 9/83
The Corporation of the Town of Kirkland Lake, Community of Swastika - KIRK-T-1		601/84	Oct. 6/84
The Corporation of the Town of Port Hope - PHOP-T-1		788/81	Dec. 5/81
The Corporation of the Township of Adelaide - ADEL-TP-1		776/82	Dec. 11/82
The Corporation of the City of Brockville - BROC-C-2		779/82	Dec. 11/82
The City of Toronto			
- TOR-2		256/81	May 16/81
- TOR-2/1		647/82	Oct. 16/82
- TOR-3		15/83	Jan. 22/83
The City of Toronto and The City of Toronto Non-Profit Housing Corporation			
- TOR-1		126/81	Mar. 28/81

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- TOR-3		434/81	July 11/81
The Corporation of the City of Mississauga - MISS-C-1		32/84	Feb. 4/84
The Corporation of the Village of Drayton - DRAY-V-1		810/83	Jan. 14/84
The Metropolitan Toronto Housing Company Limited - METR-M-1		50/82	Feb. 20/82
Toronto Area Transit Operating Authority - MTC-49		532/82	Aug. 21/82
Township of Huron - HUR-1		407/81	July 4/81
Township of Kingston - MUN-1		123/81	Mar. 21/81
Township of Owens, Williamson and Idington - OWEN-TP-1		365/83	July 9/83
Urban Transportation Development Corporation Ltd. Metro Canada Limited - UTDC-2		405/81	July 4/81
The Metropolitan Toronto and Region Conservation Authority		225/84	Apr. 28/84
The Regional Municipality of Halton - HALT-RG-01		240/84	May 5/84
Toronto Transit Commission TTC-01		321/84	June 9/84
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amended		140/82	Mar. 27/82
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amended		775/82	Dec. 11/82
amended		414/83	July 16/83
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Sewage Systems..... (revoked by 374/81)		429/81	July 11/81

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Sewage Systems		374/81	June 20/81
amended		842/81	Jan. 2/82
amended		139/82	Mar. 27/82
amended		515/82	Aug. 14/82
amended		290/83	May 28/83
amended		130/84	Mar. 17/84
Sewage Systems - Exemptions		21/83	Jan. 29/83
Sulphur Content of Fuels	312		
Transfers of Liquid Industrial Waste	313		
Waste Management - PCB's		11/82	Jan. 30/82
amended		575/84	Sept. 29/84
EXECUTIVE COUNCIL ACT			
Assignment of Powers and Duties Minister of Citizenship and Culture		134/82	Mar. 20/82
Assignment of Powers and Duties Minister of Industry and Trade Development		135/82	Mar. 20/82
Assignment of Powers and Duties Minister of Tourism and Recreation		136/82	Mar. 20/82
Assignment of Powers and Duties Minister of Intergovernmental Affairs		400/82	June 26/82
Assignment of Powers and Duties Minister of Community and Social Services		660/83	Oct. 29/83
Assignment of Powers and Duties Minister of Health		671/83	Nov. 5/83
Transfer of Administration of Act. Partnerships Act transferred from Attorney General to Minister of Consumer and Commercial Relations		56/81	Feb. 21/81
Transfer of Administration of Act. Administration of sections 161 and 162 of the Mining Act transferred to the Minister of Natural Resources		57/81	Feb. 21/81
Transfer of Administration of Act. Municipal Conflict of Interest Act transferred from Attorney General to Ministry of Intergovernmental Affairs		150/81	Apr. 4/81
Transfer of Administration. Administration and Control of the Council (Conseil des Affaires Franco-Ontariennes) transferred to the Minister of Intergovernmental Affairs		620/81	Oct. 10/81

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Transfer of Administration of Act..... Metropolitan Police Force Complaints Project Act, 1981 transferred from Solicitor General to Attorney General		133/82	Mar. 20/82
Transfer of Administration of Acts..... Building Code Act and part of Ontario Water Resources Act transferred from Minister of Consumer and Commercial Relations to Minister of Municipal Affairs and Housing		82/83	Feb. 19/83
Transfer of Administration of Act..... Teachers' Superannuation Act, 1983 transferred to the Treasurer of Ontario and Minister of Economics		173/84	Apr. 7/84
EXPROPRIATIONS ACT			
Co-operative Development - North Pickering....	314		
Forms.....	315		
Rules of Practice and Procedure of the Land Compensation Board.....	316		
Rules to be applied for the Purposes of Subsection 34(1) of the Act.....	317		
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FAMILY BENEFITS ACT			
General.....	318		
amended.....		51/81	Feb. 21/81
amended.....		273/81	May 16/81
amended.....		483/81	Aug. 1/81
amended.....		634/81	Oct. 17/81
amended.....		700/81	Nov. 7/81
amended.....		721/81	Nov. 14/81
amended.....		71/82	Feb. 20/82
amended.....		121/82	Mar. 20/82
amended.....		314/82	May 22/82
amended.....		404/82	June 26/82
amended.....		424/82	July 3/82
amended.....		459/82	July 17/82
amended.....		551/82	Aug. 21/82
amended.....		654/82	Oct. 16/82
amended.....		721/82	Nov. 13/82
amended.....		727/82	Nov. 13/82
amended.....		847/82	Jan. 8/83
amended.....		73/83	Feb. 12/83
amended.....		276/83	May 21/83
amended.....		360/83	July 9/83
amended.....		462/83	Aug. 6/83
amended.....		480/83	Aug. 13/83

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amended		557/83	Sept. 17/83
amended		690/83	Nov. 12/83
amended		700/83	Nov. 19/83
amended		784/83	Jan. 7/84
amended		65/84	Feb. 18/84
amended		216/84	Apr. 28/84
amended		312/84	June 2/84
amended		498/84	Aug. 18/84
amended		706/84	Nov. 17/84
amended		709/84	Nov. 17/84
amended		748/84	Dec. 15/84
amended		825/84	Jan. 19/85
FAMILY LAW REFORM ACT			
Designation of Matrimonial Home - Forms	319		
FARM INCOME STABILIZATION ACT			
Apple Stabilization, 1983-1987 - Plan		431/83	July 23/83
Barley Stabilization, 1982-1984 - Plan		668/82	Oct. 23/82
amended		596/83	Oct. 15/83
amended		750/83	Dec. 17/83
amended		793/83	Jan. 7/84
amended		554/84	Sept. 8/84
Corn - 1981 Crop Year (Base prices, etc.)		36/83	Feb. 5/83
Corn Stabilization, 1977 - Plan (this Reg. amends O.Reg. 365/78)		293/81	May 23/81
Corn Stabilization, 1979-1981 - Plan	320		
amended (revoked by 669/82)		294/81	May 23/81
Corn Stabilization, 1982-1984 - Plan		669/82	Oct. 23/82
amended		598/83	Oct. 15/83
amended		749/83	Dec. 17/83
amended		791/83	Jan. 7/84
amended		218/84	April 28/84
amended		555/84	Sept. 8/84
Enrolment in Plans and Transfer of Credits		292/81	May 23/81
Soybeans - 1981 Crop Year (Base prices, etc.)		35/83	Feb. 5/83
Soybean Stabilization, 1979-1981 - Plan	321		
amended (revoked by 672/82)		295/81	May 23/81
Soybean Stabilization, 1982-1984 - Plan		672/82	Oct. 23/82
amended		597/83	Oct. 15/83
amended		748/83	Dec. 17/83
amended		792/83	Jan. 7/84
amended		558/84	Sept. 8/84

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Weaner Pig Stabilization, 1980-1985 - Plan....	322		
amended.....		460/82	July 17/82
amended.....		792/82	Dec. 18/82
amended.....		132/83	Mar. 26/83
amended.....		97/84	Mar. 3/84
amended.....		482/84	Aug. 18/84
amended.....		722/84	Nov. 24/84
White Bean Stabilization, 1979-1981 - Plan....	323		
amended.....		296/81	May 23/81
(revoked by 670/82)			
White Bean Stabilization, 1982-1984 - Plan....		670/82	Oct. 23/82
amended.....		599/83	Oct. 15/83
amended.....		752/83	Dec. 17/83
amended.....		98/84	Mar. 3/84
amended.....		557/84	Sept. 8/84
Winter Wheat Stabilization, 1979-1981 - Plan..	324		
amended.....		297/81	May 23/81
(revoked by 671/82)			
Winter Wheat Stabilization, 1982-1984 - Plan..		671/82	Oct. 23/82
amended.....		600/83	Oct. 15/83
amended.....		751/83	Dec. 17/83
amended.....		556/84	Sept. 8/84
FARM PRODUCTS CONTAINERS ACT			
Fruit and Vegetables.....	325		
(revoked by 428/83)			
FARM PRODUCTS CONTAINERS ACT, 1982			
Containers - Fruit and Vegetables.....		428/83	July 16/83
FARM PRODUCTS GRADES AND SALES ACT			
Burley Tobacco.....	326		
Dairy Products.....	327		
(revoked by 629/84)			
Dairy Products (revoking Reg.).....		629/84	Oct. 20/84
Flue-Cured Tobacco.....	328		
amended.....		659/83	Oct. 29/83
Fruit-Controlled Atmosphere Storage.....	329		
Grades -			
Beef Carcasses.....	330		
amended.....		765/81	Dec. 5/81
Christmas Trees.....	331		
Fruit and Vegetables.....	332		
amended.....		764/81	Dec. 5/81
amended.....		114/83	Mar. 19/83

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amended		702/83	Nov. 19/83
amended		217/84	Apr. 28/84
amended		433/84	July 21/84
Hog Carcasses	333		
Lamb and Mutton Carcasses	334		
amended		766/81	Dec. 5/81
Poultry	335		
Veal Carcasses	336		
amended		767/81	Dec. 5/81
Grain		653/84	Nov. 3/84
Honey (revoked by 399/82)	337		
Honey		399/82	June 26/82
Licences	338		
Maple Products	339		
FARM PRODUCTS MARKETING ACT			
Apples -			
Plan	340		
amended		490/82	Aug. 7/82
Marketing	341		
amended		331/82	June 5/82
amended		385/84	July 7/84
amended		618/84	Oct. 20/84
Arbitration of Disputes	342		
Asparagus -			
Plan	343		
Marketing	344		
amended		569/81	Sept. 12/81
amended		173/82	Apr. 10/82
amended		170/84	Apr. 7/84
Beans -			
Plan	345		
amended		665/82	Oct. 23/82
Marketing	346		
amended		408/84	July 14/84
Berries for Processing -			
Plan	347		
Marketing	348		

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Broiler and Roaster Hatching Eggs and Chicks -			
Plan		429/83	July 16/83
Marketing		436/83	July 23/83
amended		22/84	Jan. 28/84
Broiler Chickens and Roaster Chickens -			
Plan	349		
(revoked by 736/84)			
Marketing	350		
amended		366/82	June 12/82
amended		330/83	June 18/83
(revoked by 737/84)			
Burley Tobacco -			
Plan	351		
Marketing	352		
By-Laws for Local Boards	353		
Chicken - Extension of Powers	354		
Chickens -			
Plan		736/84	Dec. 1/84
Marketing		737/84	Dec. 1/84
Eggs -			
Extension of Powers	355		
Plan	356		
amended		570/81	Sept. 12/81
amended		31/82	Feb. 13/82
amended		430/83	July 16/83
Marketing	357		
amended		610/81	Oct. 3/81
amended		687/81	Oct. 31/81
amended		435/83	July 23/83
Marketing Limitations	358		
Fresh Grapes -			
Plan	359		
Marketing	360		
amended		692/84	Nov. 17/84
Fresh Potatoes -			
Plan	361		
Marketing	362		
amended		526/81	Aug. 22/81
amended		419/83	July 16/83

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Grapes for Processing -			
Plan	363		
Marketing	364		
Greenhouse Vegetables -			
Plan	365		
Marketing	366		
amended		772/83	Dec. 24/83
Hogs -			
Plan	367		
Marketing	368		
Local Boards	369		
amended		322/83	June 11/83
Potatoes -			
Plan	370		
Marketing	371		
amended		108/81	Mar. 14/81
amended		96/84	Mar. 3/84
Processing Tomato Seedling Plants -			
Plan	372		
Marketing	373		
Rutabagas -			
Dissolution of Local Board		650/84	Nov. 3/84
Plan	374		
Marketing	375		
Seed Corn -			
Plan	376		
amended		66/83	Feb. 12/83
Marketing	377		
amended		114/82	Mar. 13/82
amended		67/83	Feb. 12/83
Soya Beans -			
Plan	378		
amended		34/83	Feb. 5/83
Marketing	379		
amended		640/84	Oct. 27/84
Sugar Beets - Dissolution of Local Board		474/82	July 24/82
Tender Fruit -			
Plan	380		
Marketing	381		

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Tobacco -			
Plan	382		
Marketing	383		
amended		321/83	June 11/83
amended		619/84	Oct. 20/84
Turkeys -			
Plan	384		
amended		100/83	Mar. 5/83
Marketing	385		
amended		325/81	May 30/81
Marketing Limitations	386		
Vegetables for Processing -			
Plan	387		
amended		389/83	July 9/83
Marketing	388		
amended		115/82	Mar. 13/82
amended		20/83	Jan. 29/83
amended		116/84	Mar. 10/84
Wheat -			
Plan	389		
amended		224/82	Apr. 24/82
Marketing	390		
FARM PRODUCTS PAYMENTS ACT			
Fund for Egg Producers		828/81	Dec. 26/81
amended		491/82	Aug. 7/82
amended		513/84	Aug. 25/84
Fund for Live Stock Producers		368/82	June 12/82
amended		525/82	Aug. 21/82
amended		347/84	June 16/84
Fund for Producers of Grain Corn		651/84	Nov. 3/84
Fund for Producers of Soya-Beans		652/84	Nov. 3/84
Fund for Producers of Vegetables For Processing		348/84	June 16/84
General	391		
FIRE DEPARTMENTS ACT			
Filing in Supreme Court Decision of Arbitrator or Arbitration Board	392		
Standards for Pumpers	393		

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FIRE MARSHALS ACT			
Fire Code		730/81	Nov. 21/81
amended		251/83	May 14/83
amended		425/84	July 14/84
General	394		
amended		940/84	Jan. 19/85
FISH INSPECTION ACT			
Quality Control	395		
FOREST FIRES PREVENTION ACT			
Fire Regions	396		
amended		207/84	Apr. 28/84
Restricted Fire Zone (expired)		283/81	May 23/81
Restricted Fire Zone (revoked by 353/81)		348/81	June 6/81
Restricted Fire Zone (revoking Reg.)		353/81	June 13/81
Restricted Fire Zone (expired)		469/81	Aug. 1/81
Restricted Fire Zone (revoked by 524/81)		514/81	Aug. 15/81
Restricted Fire Zone (expired)		523/81	Aug. 22/81
Restricted Fire Zone (revoking Reg.)		524/81	Aug. 22/81
Restricted Fire Zone (expired)		287/82	May 15/82
Restricted Fire Zone (expired)		227/83	May 7/83
Restricted Fire Zone (revoked by 409/83)		397/83	July 9/83
Restricted Fire Zone (revoked by 409/83)		398/83	July 9/83
Restricted Fire Zone (revoking Reg.)		409/83	July 16/83
Restricted Fire Zone (expired)		317/84	June 2/84
Restricted Fire Zone (expired)		567/84	Sept. 15/84
Restricted Fire Zone (expired)		572/84	Sept. 29/84

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FORESTRY ACT			
Nurseries	397		
amended		30/83	Feb. 5/83
amended		514/84	Aug. 25/84
FRESHWATER FISH MARKETING ACT (ONTARIO)			
General	398		
amended		777/81	Dec. 5/81
FUEL TAX ACT, 1981			
General		772/82	Dec. 11/82
amended		140/83	Mar. 26/83
amended		381/83	July 9/83
amended		387/83	July 9/83
amended		267/84	May 12/84
amended		602/84	Oct. 6/84
amended		775/84	Dec. 22/84
General		778/82	Dec. 11/82
amended		426/83	July 16/83
amended		510/83	Aug. 27/83
amended		604/83	Oct. 15/83
amended		643/83	Oct. 29/83
amended		266/84	May 12/84
Grants for Farm Fuel Storage Tanks		689/82	Oct. 30/82
Grants for Fuel Storage and Transportation Tanks and Other Facilities		225/82	May 1/82
amended		771/82	Dec. 11/82
Taxable Price and Tax Payable on Fuel to Propel Motor Vehicles and Railway Equipment		579/82	Sept. 11/82
amended		638/82	Oct. 16/82
amended		843/82	Jan. 8/83
amended		187/83	Apr. 16/83
amended		411/83	July 16/83
amended		631/83	Oct. 15/83
amended		805/83	Jan. 14/84
amended		180/84	Apr. 14/84
amended		414/84	July 14/84
FUNERAL SERVICES ACT			
General	399		
amended		558/81	Sept. 5/81
amended		560/83	Sept. 17/83
amended		675/83	Nov. 5/83
FUR FARMS ACT			
General	400		
amended		321/81	May 30/81

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G			
GAME AND FISH ACT			
Amphibians		470/81	Aug. 1/81
Animals Declared to be Fur-Bearing Animals	401		
amended		692/81	Nov. 7/81
Aylmer Hunting Area		29/81	Feb. 14/81
Aylmer Lagoon Hunting Area	402		
Bag Limit for Black Bear	403		
Bobwhite Quail, Wild Turkey and Pheasant - Propagation and Sales	404		
amended		446/81	July 18/81
Bows and Arrows	405		
Bullfrogs	406		
amended (revoked by 694/81)		565/81	Sept. 12/81
Bullfrogs		694/81	Nov. 7/81
Calton Swamp Hunting Area		30/81	Feb. 14/81
Camden Lake Hunting Area	407		
Copeland Forest Hunting Area (revoked by 693/81)	408		
Copeland Forest Hunting Area		693/81	Nov. 7/81
amended		563/83	Sept. 24/83
Crown Game Preserves	409		
amended		27/82	Feb. 13/82
Discharge of Fire-Arms From or Across Highways and Roads	410		
amended		113/81	Mar. 14/81
amended		388/81	June 27/81
Discharge of Fire-Arms on Sunday	411		
Fingal Hunting Area		28/81	Feb. 14/81
Fire-Arms - Aulneau Peninsula	412		
amended		428/82	July 3/82
Fishing Huts	413		
amended		753/81	Nov. 28/81
amended		24/82	Feb. 13/82

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Fishing Licences	414		
amended		218/81	Apr. 25/81
amended		647/81	Oct. 17/82
amended		835/81	Jan. 2/82
amended		629/82	Oct. 9/82
amended		645/83	Oct. 29/83
amended		41/84	Feb. 11/84
amended		254/84	May 12/84
amended		756/84	Dec. 15/84
Furs	415		
amended		154/81	Apr. 4/81
amended		857/81	Jan. 9/82
amended		203/82	Apr. 24/82
amended		627/82	Oct. 9/82
amended		621/83	Oct. 15/83
amended		700/84	Nov. 17/84
amended		701/84	Nov. 17/84
Fur Harvest, Fur Management and Conservation Course		154/82	Apr. 3/82
Game Bird Hunting Preserves	416		
amended		447/81	July 18/84
Guides	417		
amended		500/81	Aug. 15/81
Horwood Lake Hunting Area		26/81	Feb. 14/81
amended		124/82	Mar. 20/82
amended (revoked by 128/83)		497/82	Aug. 7/82
Horwood Lake Hunting Area (Revoking Reg.)		128/83	Mar. 26/83
Hullett Hunting Area		628/82	Oct. 9/82
amended		594/83	Oct. 15/83
amended		547/84	Sept. 8/84
Hunter Safety Training Course	418		
Hunting in Lake Superior Provincial Park	419		
amended		125/82	Mar. 20/82
amended		130/83	Mar. 26/83
Hunting Licences	420		
amended		217/81	Apr. 25/81
amended		502/81	Aug. 15/81
amended		187/82	Apr. 10/82
amended		397/82	June 26/82
amended		499/82	Aug. 7/82
amended		683/82	Oct. 30/82
amended		127/83	Mar. 26/83
amended		138/83	Mar. 26/83
amended		155/83	Apr. 2/83
amended		376/83	July 9/83
amended		492/83	Aug. 20/83
amended		184/84	Apr. 14/84
amended		185/84	Apr. 14/84

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amended		186/84	Apr. 14/84
amended		699/84	Nov. 17/84
amended		781/84	Dec. 29/84
Hunting on Crown Lands in the Geographic Townships of Bruton and Clyde	421		
amended		247/83	May 14/83
Hunting on Designated Crown Land and in Provincial Parks	422		
amended		127/82	Mar. 20/82
amended		347/83	June 25/83
amended		681/83	Nov. 12/83
amended		323/84	June 9/84
amended		411/84	July 14/84
amended		624/84	Oct. 20/84
Lake St. Lawrence Hunting Area	423		
Licence to Chase Raccoon at Night and Fox, Coyote or Wolf During the Day		233/82	May 1/82
Licence to Possess Nets	424		
Luther Marsh Hunting Area	425		
Navy Island Hunting Area		645/81	Oct. 17/81
amended		156/83	Apr. 2/83
Opasatika Hunting Area		27/81	Feb. 14/81
amended		126/82	Mar. 20/82
amended (revoked by 129/83)		496/82	Aug. 7/82
Opasatika Hunting Area (revoking Reg.)		129/83	Mar. 26/83
Open Seasons -			
Black Bear	426		
amended		339/82	June 12/82
amended		493/83	Aug. 20/83
Fur Bearing Animals	427		
amended		671/81	Oct. 24/81
amended		146/83	Apr. 2/83
amended		306/83	June 4/83
amended		308/84	June 2/84
Game Birds		501/81	Aug. 15/81
amended		156/82	Apr. 3/82
amended		192/83	Apr. 16/83
amended		508/84	Aug. 25/84
amended		782/84	Dec. 29/84
Moose and Deer	428		
amended		471/81	Aug. 1/81
amended		591/81	Sept. 19/81
amended		644/81	Oct. 17/81
amended		157/82	Apr. 3/82
amended		297/82	May 22/82

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amended		498/82	Aug. 7/82
amended		684/82	Oct. 30/82
amended		137/83	Mar. 26/83
amended		219/83	Apr. 30/83
amended		331/83	June 18/83
amended		494/83	Aug. 20/83
amended		229/84	Apr. 28/84
amended		507/84	Aug. 25/84
Rabbits and Squirrels		421/81	July 11/81
amended		171/82	Apr. 3/82
amended		150/83	Apr. 2/83
Orangeville Reservoir Hunting Area	429		
amended		595/83	Oct. 15/83
Permit to Export Game	430		
Petroglyphs Provincial Park Hunting Area		646/81	Oct. 17/81
Polar Bears	431		
Possession and Use of Fire-Arms in Darlington Provincial Park	432		
Reptiles		397/84	July 7/84
Sale of Bass and Trout and Fishing Preserves	433		
amended		755/84	Dec. 15/84
Snares		156/81	Apr. 4/81
Stag Island Hunting Area	434		
Tiny Marsh Hunting Area	435		
Trap-Line Areas	436		
amended		338/82	June 12/82
amended		475/84	Aug. 18/84
Traps		673/82	Oct. 23/82
amended		377/83	July 9/83
Traps - Order under Subsection 30(4) of the Act		155/81	Apr. 4/81
Waters Set Apart - Frogs	437		
Wildlife Management Units		155/82	Apr. 3/82
amended		685/82	Oct. 30/82
amended		509/84	Aug. 25/84
Wolves and Black Bears in Captivity	438		
GASOLINE HANDLING ACT			
Gasoline Handling Code	439		
amended		136/81	March 28/81
amended		436/82	July 10/82
amended		561/83	Sept. 17/83

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GASOLINE TAX ACT			
General	440		
amended		179/81	Apr. 11/81
amended		547/81	Sept. 5/81
amended		626/81	Oct. 10/81
amended		37/82	Feb. 13/82
amended		246/82	May 1/82
amended		269/82	May 8/82
amended		386/83	July 9/83
amended		509/83	July 27/83
amended		603/83	Oct. 15/83
amended		648/84	Oct. 27/84
Taxable Prices and Tax on Gasoline and Aviation Fuel		441/81	July 11/81
amended		631/81	Oct. 10/81
amended		872/81	Jan. 16/82
amended		184/82	Apr. 10/82
amended		449/82	July 17/82
amended		639/82	Oct. 16/82
amended		842/82	Jan. 8/83
amended		186/83	Apr. 16/83
amended		412/83	July 16/83
amended		632/83	Oct. 15/83
amended		806/83	Jan. 14/84
amended		181/84	Apr. 14/84
amended		415/84	July 14/84
GENERAL SESSIONS ACT			
Sittings of the General Sessions of the Peace for the Judicial District of Haldimand (expired)		11/81	Jan. 31/81
Sittings fo the General Sessions of the Peace for the County of Peterborough (expired)		340/81	June 6/81
Sittings of the General Sessions of the Peace for the Judicial District of Peel (expired)		341/81	June 6/81
Sittings of the General Sessions of the Peace for the Counties and Districts of Ontario (expired)		853/81	Jan. 9/82
Sittings of the General Sessions of the Peace for the District of Muskoka (expired)		385/82	June 19/82
Sittings of the General Sessions of the Peace for the Judicial District of Peel (expired)		386/82	June 19/82

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Sittings of the General Sessions of the Peace for the County of Peterborough..... (expired)		423/82	July 3/82
Sittings of the General Sessions of the Peace for the Counties and Districts of Ontario..... (expired)		828/82	Jan. 8/83
Sittings of the General Sessions of the Peace for the Judicial District of Hamilton-Wentworth..... (expired)		27/83	Jan. 29/83
Sittings of the General Sessions of the Peace for the District of Kenora..... (expired)		174/83	Apr. 16/83
Sittings of the General Sessions of the Peace for the Judicial District of York..... (expired)		338/83	June 25/83
Sittings of the General Sessions of the Peace for the Judicial District of Peel..... (expired)		339/83	June 25/83
Sittings of the General Sessions of the Peace for the District of Parry Sound..... (expired)		433/83	July 23/83
Sittings of the General Sessions of the Peace for the County of Perth..... (expired)		434/83	July 23/83
Sittings of the General Sessions of the Peace for the Districts and Counties of Ontario.....		764/83	Dec. 24/83
Sittings of the General Sessions of the Peace for the Counties of Peterborough, Prescott and Russell, Lambton and Wellington.....		16/84	Jan. 28/84
Sittings of the General Sessions of the Peace for the Judicial District of Peel.....		17/84	Jan. 28/84
Sittings of the General Sessions of the Peace for the County of Perth.....		373/84	June 30/84
Sittings of the General Sessions of the Peace for the County of Perth.....		678/84	Nov. 10/84
GENERAL WELFARE ASSISTANCE ACT			
Civil Legal Aid.....		829/82	Jan. 8/83

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General	441		
amended		48/81	Feb. 21/81
amended		186/81	Apr. 11/81
amended		270/81	May 16/81
amended		480/81	Aug. 1/81
amended		697/81	Nov. 7/81
amended		722/81	Nov. 14/81
amended		68/82	Feb. 20/82
amended		312/82	May 22/82
amended		456/82	July 17/82
amended		548/82	Aug. 21/82
amended		655/82	Oct. 16/82
amended		656/82	Oct. 16/82
amended		722/82	Nov. 13/82
amended		728/82	Nov. 13/82
amended		786/82	Dec. 18/82
amended		69/83	Feb. 12/83
amended		277/83	May 21/83
amended		361/83	July 9/83
amended		463/83	Aug. 6/83
amended		558/83	Sept. 17/83
amended		649/83	Oct. 29/83
amended		657/83	Oct. 29/83
amended		691/83	Nov. 12/83
amended		698/83	Nov. 19/83
amended		785/83	Jan. 7/84
amended		62/84	Feb. 18/84
amended		214/84	Apr. 28/84
amended		309/84	June 2/84
amended		402/84	July 14/84
amended		495/84	Aug. 18/84
amended		703/84	Nov. 17/84
amended		708/84	Nov. 17/84
amended		823/84	Jan. 19/85
amended		824/84	Jan. 19/85
Indian Bands	442		
amended		122/82	Mar. 20/82
amended		572/82	Sept. 11/82
amended		822/84	Jan. 19/85
GRAIN CORN MARKETING ACT, 1984			
Licence Fees		559/84	Sept. 8/84
GRAIN ELEVATOR STORAGE ACT			
General (revoked by 420/84)	443		
GRAIN ELEVATOR STORAGE ACT, 1983			
General		420/84	July 14/84
GUARANTEE COMPANIES SECURITIES ACT			
Approved Guarantee Companies	444		
amended		21/81	Feb. 14/81

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amended		106/81	Mar. 14/81
amended		107/81	Mar. 14/81
amended		568/81	Sept. 12/81
amended		759/81	Nov. 28/81
amended		562/83	Sept. 17/83
amended		125/84	Mar. 17/84
H			
HEALING ARTS RADIATION PROTECTION ACT			
Hospitals Prescribed For The Installation and Operation of Computerized Axial Temography Scanners		344/84	June 16/84
X-Ray Safety Code		45/84	Feb. 11/84
HEALTH DISCIPLINES ACT			
Child Resistant Packages	445		
Dental Hygienists	446		
amended		681/84	Nov. 10/84
Dentistry	447		
amended		71/81	Mar. 7/81
amended		194/81	Apr. 18/81
amended		504/81	Aug. 15/81
amended		720/83	Dec. 3/83
amended		682/84	Nov. 10/84
Medicine	448		
amended		205/82	Apr. 24/82
amended		823/82	Jan. 1/83
amended		851/82	Jan. 15/83
amended		112/83	Mar. 19/83
amended		192/84	Apr. 14/84
Nursing	449		
amended		506/81	Aug. 15/81
amended		665/81	Oct. 24/81
amended		355/82	June 12/82
amended		588/83	Oct. 1/83
Optometry	450		
amended		478/82	July 31/82
Parcost C.D.I.		18/81	Feb. 7/81
amended		44/81	Feb. 21/81
amended (revoked by 413/81)		210/81	Apr. 25/81
Parcost C.D.I.		413/81	July 4/81
amended (revoked by 829/81)		640/81	Oct. 17/81
Parcost C.D.I. (revoked by 425/82)		829/81	Dec. 26/81

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Parcost C.D.I.		425/82	July 3/82
amended		613/82	Sept. 25/82
(revoked by 836/82)			
Parcost C.D.I.		836/82	Jan. 8/83
amended		103/83	Mar. 12/83
(revoked by 427/83)			
Parcost C.D.I.		427/83	July 16/83
(revoked by 107/84)			
Parcost C.D.I.		107/84	Mar. 3/84
amended		172/84	Apr. 7/84
(revoked by 421/84)			
Parcost C.D.I.		421/84	July 14/84
(revoked by 839/84)			
Parcost C.D.I.		839/84	Jan. 19/85
Pharmacy	451		
amended		505/81	Aug. 15/81
amended		356/82	June 12/82
amended		835/82	Jan. 8/83
amended		422/84	July 14/84
amended		817/84	Jan. 19/85
HEALTH INSURANCE ACT			
General	452		
amended		36/81	Feb. 14/81
amended		37/81	Feb. 14/81
amended		38/81	Feb. 14/81
amended		61/81	Feb. 28/81
amended		120/81	Mar. 21/81
amended		121/81	Mar. 21/81
amended		122/81	Mar. 21/81
amended		139/81	Mar. 28/81
amended		168/81	Apr. 11/81
amended		231/81	May 2/81
amended		232/81	May 2/81
amended		253/81	May 16/81
amended		254/81	May 16/81
amended		298/81	May 23/81
amended		331/81	June 6/81
amended		332/81	June 6/81
amended		363/81	June 20/81
amended		395/81	June 27/81
amended		423/81	July 11/81
amended		459/81	July 25/81
amended		478/81	Aug. 1/81
amended		479/81	Aug. 1/81
amended		525/81	Aug. 22/81
amended		576/81	Sept. 12/81
amended		581/81	Sept. 12/81
amended		642/81	Oct. 17/81
amended		685/81	Oct. 31/81
amended		742/81	Nov. 21/81

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amended		743/81	Nov. 21/81
amended		751/81	Nov. 28/81
amended		794/81	Dec. 12/81
amended		810/81	Dec. 19/81
amended		12/82	Jan. 30/82
amended		53/82	Feb. 20/82
amended		82/82	Mar. 6/82
amended		83/82	Mar. 6/82
amended		235/82	May 1/82
amended		256/82	May 1/82
amended		260/82	May 8/82
amended		293/82	May 22/82
amended		294/82	May 22/82
amended		295/82	May 22/82
amended		335/82	June 5/82
amended		336/82	June 12/82
amended		337/82	June 12/82
amended		393/82	June 26/82
amended		412/82	July 3/82
amended		430/82	July 10/82
amended		431/82	July 10/82
amended		489/82	Aug. 7/82
amended		527/82	Aug. 21/82
amended		528/82	Aug. 21/82
amended		529/82	Aug. 21/82
amended		564/82	Sept. 4/82
amended		609/82	Sept. 25/82
amended		633/82	Oct. 9/82
amended		716/82	Nov. 13/82
amended		717/82	Nov. 13/82
amended		733/82	Nov. 20/82
amended		833/82	Jan. 8/83
amended		834/82	Jan. 8/83
amended		77/83	Feb. 19/83
amended		94/83	Feb. 26/83
amended		122/83	Mar. 26/83
amended		161/83	Apr. 9/83
amended		197/83	Apr. 16/83
amended		233/83	May 7/83
amended		242/83	May 14/83
amended		259/83	May 21/83
amended		281/83	May 28/83
amended		282/83	May 28/83
amended		285/83	May 28/83
amended		368/83	July 9/83
amended		458/83	Aug. 6/83
amended		460/83	Aug. 6/83
amended		497/83	Aug. 27/83
amended		540/83	Sept. 10/83
amended		651/83	Oct. 29/83
amended		704/83	Nov. 19/83
amended		721/83	Dec. 3/83
amended		789/83	Jan. 7/84
amended		808/83	Jan. 14/84
amended		3/84	Jan. 21/84
amended		33/84	Feb. 11/84
amended		53/84	Feb. 18/84
amended		56/84	Feb. 18/84

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amended		93/84	Mar. 3/84
amended		168/84	Mar. 31/84
amended		209/84	Apr. 28/84
amended		288/84	May 19/84
amended		290/84	May 19/84
amended		351/84	June 23/84
amended		386/84	July 7/84
amended		387/84	July 7/84
amended		388/84	July 7/84
amended		389/84	July 7/84
amended		390/84	July 7/84
amended		391/84	July 7/84
amended		478/84	Aug. 18/84
amended		479/84	Aug. 18/84
amended		480/84	Augs. 18/84
amended		518/84	Sept. 1/84
amended		548/84	Sept. 8/84
amended		610/84	Oct. 13/84
amended		611/84	Oct. 13/84
amended		615/84	Oct. 20/84
amended		637/84	Oct. 27/84
amended		638/84	Oct. 27/84
amended		662/84	Nov. 10/84
amended		663/84	Nov. 10/84
amended		717/84	Nov. 24/84
amended		751/84	Dec. 15/84
amended		752/84	Dec. 15/84
amended		799/84	Jan. 5/85
amended		826/84	Jan. 19/85
amended		827/84	Jan. 19/85
amended		828/84	Jan. 19/85
amended		829/84	Jan. 19/85
HEALTH PROTECTION AND PROMOTION ACT, 1983			
Areas Comprising Health Units		236/84	Apr. 28/84
Camps in Unorganized Territory		193/84	Apr. 14/84
Capital Assistance Grants for Boards of Health		234/84	Apr. 28/84
Clinics for Sexually Transmitted Diseases		237/84	Apr. 28/84
Communicable Diseases - General		292/84	May 19/84
Designation of Communicable Diseases		161/84	Mar. 24/84
Designation of Municipal Members of Boards of Health		235/84	Apr. 28/84
Designation of Reportable Diseases		162/84	Mar. 24/84
Food Premises		243/84	May 5/84
Grants to Boards of Health		382/84	June 30/84
amended		636/84	Oct. 27/84

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Public Pools		381/84	June 30/84
Qualifications of Boards of Health Staff		164/84	Mar. 24/84
Recreational Camps		242/84	May 5/84
School Health Services and Programs		516/84	Aug. 25/84
Slaughterhouses and Meat Processing Plants		293/84	May 19/84
Warrant		163/84	Mar. 24/84
HIGHWAY TRAFFIC ACT			
Allowable Gross Weight for Designated Class of Vehicle	453		
Appeals	454		
amended		117/81	Mar. 14/81
Covering of Loads	455		
Dangerous Loads	456		
Demerit Point System (revoked by 359/81)	457		
Demerit Point System		359/81	June 20/81
amended		360/81	June 20/81
amended		202/82	Apr. 24/82
amended		599/82	Sept. 18/82
amended		276/84	May 19/84
amended		633/84	Oct. 20/84
Designation of Highways	458		
Designation of Termination Date of Freeze-Up Periods under Subsection 102(2) of the Act (expired)		116/81	Mar. 14/81
Designation of Paved Shoulders on King's Highway	459		
amended		16/81	Feb. 7/81
Driver Improvement Program	460		
Driver Licence Examinations	461		
amended		729/82	Nov. 20/82
amended		275/84	May 19/84
Drivers' Licences	462		
amended		118/81	Mar. 14/81
amended		250/81	May 16/81
amended		361/81	June 20/81
amended		370/81	June 20/81
amended		371/81	June 20/81
amended		325/82	May 29/82

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amended		357/82	June 12/82
amended		359/82	June 12/82
amended		543/82	Aug. 21/82
amended		597/82	Sept. 18/82
amended		743/82	Nov. 27/82
amended		121/84	Mar. 10/84
amended		277/84	May 19/84
amended		378/84	June 30/84
amended		488/84	Aug. 18/84
amended		725/84	Nov. 24/84
Driver's Licence Suspension for Default of Payment of Fine	463		
Driving Instructor's Licence	464		
amended		362/81	June 20/81
amended		376/84	June 30/84
Equipment	465		
Exemption from the Provisions of Section 7 of the Act - State of Alabama		230/84	Apr. 28/84
Exemption from the Provisions of Section 7 of the Act - State of Florida		741/83	Dec. 17/83
Exemption from the Provisions of Section 7 of the Act - State of Georgia		689/83	Nov. 12/83
Exemption from the Provisions of Section 7 of the Act - State of Iowa		679/84	Nov. 10/84
Exemption from the Provisions of Section 7 of the Act - State of Louisiana		740/83	Dec. 17/83
Exemption from the Provisions of Section 7 of the Act - State of Maine		588/84	Sept. 29/84
Exemption from the Provisions of Section 7 of the Act - State of Maryland		743/83	Dec. 17/83
Exemption from the Provisions of Section 7 of the Act - State of Massachusetts		169/84	Nov. 31/84
Exemption from the Provisions of Section 7 of the Act - State of Mississippi		686/83	Nov. 12/83
Exemption fom the Provisions of Section 7 of the Act - State of Missouri		687/83	Nov. 12/83

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Exemption from the Provisions of Section 7 of the Act - State of Montana		532/84	Sept. 1/84
Exemption from the Provisions of Section 7 of the Act - State of New Jersey		490/84	Aug. 18/84
Exemption from the Provisions of Section 7 of the Act - State of North Carolina		688/83	Nov. 12/83
Exemption from the Provisions of Section 7 of the Act - State of Rhode Island		587/84	Sept. 29/84
Exemption from the Provisions of Section 7 of the Act - State of South Carolina		739/83	Dec. 17/83
Exemption from the Provisions of Section 7 of the Act - State of Tennessee		425/83	July 16/83
Exemption from the Provisions of Section 7 of the Act - State of Tennessee		742/83	Dec. 17/83
Exemption from the Provisions of Section 7 of the Act - State of Texas		726/84	Nov. 24/84
Exemption from the Provisions of Section 7 of the Act - State of Virginia		102/84	Mar. 3/84
Exemption from the Provisions of Section 7 of the Act - State of West Virginia		646/83	Oct. 29/83
Exemption from the Provisions of Section 7 of the Act - State of Wisconsin		659/84	Nov. 3/84
Exemption from the Provisions of Sections 7 and 10 of the Act - States of the United States of America	466		
amended		643/81	Oct. 17/81
amended		415/82	July 3/82
amended		230/84	Apr. 28/84
amended		428/84	July 14/84
amended		490/84	Aug. 18/84
amended		532/84	Sept. 1/84
amended		588/84	Sept. 29/84
amended		659/84	Nov. 3/84
amended		679/84	Nov. 10/84
amended		726/84	Nov. 24/84

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Exemption from the Provisions of Sections 7 and 10 of the Act - State of Illinois		661/82	Oct. 23/82
Exemption from the Provisions of Sections 7 and 10 of the Act - State of Maryland		658/82	Oct. 23/82
Exemption from the Provisions of Sections 7 and 10 of the Act - State of Michigan		678/81	Oct. 31/81
Exemption from the Provisions of Sections 7 and 10 of the Act - State of South Dakota		660/82	Oct. 23/82
Exemption from the Provisions of Subsection 68(1) of the Act - Province of Alberta	467		
Exemption from the Provisions of Subsection 68(1) of the Act - State of New York		121/83	Mar. 19/83
Extending Validity of Driver's Licence (revoked by 549/81)		473/81	Aug. 1/81
Extending Validity of Driver's Licence (expired)		549/81	Sept. 5/81
Extending Validity of Motor Vehicle Permits (expired)		843/81	Jan. 2/82
Garage Licences	468		
amended		46/81	Feb. 21/81
amended		204/81	Apr. 18/81
amended		659/82	Oct. 23/82
General	469		
amended		45/81	Feb. 21/81
amended		95/81	Mar. 14/81
amended		193/81	Apr. 18/81
amended		248/81	May 16/81
amended		337/81	June 6/81
amended		460/81	July 25/81
amended		461/81	July 25/81
amended		664/81	Oct. 24/81
amended		791/81	Dec. 12/81
amended		792/81	Dec. 12/81
amended		801/81	Dec. 12/81
amended		358/82	June 12/82
amended		477/82	July 31/82
amended		542/82	Aug. 21/82
amended		744/82	Nov. 27/82
amended		49/84	Feb. 18/84
amended		489/84	Aug. 18/84

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Gross Vehicle Weights	470		
Gross Weight on Bridges	471		
Gross Weight on the Kabitotikwia River Bridge		491/84	Aug. 18/84
Gross Weight on the Kaministikwia River Bridge		524/83	Sept. 3/83
Gross Weight on the Trout Lake River Bridge (revoked by 390/82)		300/82	May 22/82
Gross Weight on the Trout Lake River Bridge (revoking Reg.)		390/82	June 19/82
Highway Closings	472		
Load Limits		98/81	Mar. 14/81
amended		99/81	Mar. 14/81
Load Limits on Local Roads Within Local Roads Areas	473		
amended		100/81	Mar. 14/81
Motor Vehicle Inspection Stations	474		
amended		508/81	Aug. 15/81
amended		60/82	Feb. 20/82
amended		525/84	Sept. 1/84
amended		820/84	Jan. 19/85
Notice to Have Motor Vehicle Examined and Tested (revoked by 61/82)	475		
Notice to Have Motor Vehicle Examined and Tested		61/82	Feb. 20/82
amended		350/83	June 25/83
Over-Dimensional Farm Vehicles	476		
amended		427/84	July 14/84
Parking	477		
amended		13/81	Feb. 7/81
amended		62/81	Feb. 28/81
amended		110/81	Mar. 14/81
amended		199/81	Apr. 18/81
amended		213/81	Apr. 25/81
amended		339/81	June 6/81
amended		445/81	July 18/81
amended		455/81	July 25/81
amended		529/81	Aug. 29/81
amended		661/81	Oct. 17/81
amended		717/81	Nov. 7/81
amended		790/81	Dec. 12/81
amended		803/81	Dec. 19/81
amended		856/81	Jan. 9/82

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amended		14/82	Feb. 6/82
amended		123/82	Mar. 20/82
amended		228/82	May 1/82
amended		318/82	May 29/82
amended		396/82	June 26/82
amended		502/82	Aug. 7/82
amended		644/82	Oct. 16/82
amended		801/82	Dec. 25/82
amended		31/83	Feb. 5/83
amended		131/83	Mar. 26/83
amended		189/83	Apr. 16/83
amended		228/83	May 7/83
amended		400/83	July 16/83
amended		457/83	Aug. 6/83
amended		661/83	Oct. 29/83
amended		682/83	Nov. 12/83
amended		4/84	Jan. 21/84
amended		177/84	Apr. 14/84
amended		435/84	July 21/84
amended		550/84	Sept. 1/84
amended		694/84	Nov. 17/84
Portable Lane Control Signal Systems	478		
Reciprocal Suspension of Licences	479		
Restricted Use of Left Lanes by Commercial Motor Vehicles	480		
amended		535/81	Aug. 29/81
amended		17/82	Feb. 6/82
amended		804/83	Jan. 7/84
Restricted Use of the King's Highway	481		
Safety Helmets	482		
amended		249/81	May 16/81
Safety Inspections	483		
amended		507/81	Aug. 15/81
amended		800/81	Dec. 12/81
amended		839/81	Jan. 2/82
amended		59/82	Feb. 20/82
amended		544/82	Aug. 21/82
amended		596/82	Sept. 18/82
amended		742/82	Nov. 27/82
amended		486/84	Aug. 18/84
amended		527/84	Sept. 1/84
amended		821/84	Jan. 19/85
School Buses	484		
amended		277/81	May 23/81
amended		598/82	Sept. 18/82
amended		19/83	Jan. 29/83
amended		336/83	June 18/83
amended		487/84	Aug. 18/84
Seat Belt Assemblies	485		
amended		545/82	Aug. 21/82
amended		629/83	Oct. 15/83

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Security of Loads		428/81	July 11/81
Signs	486		
amended		372/81	June 20/81
amended		802/81	Dec. 12/81
amended		414/82	July 3/82
amended		600/82	Sept. 18/82
amended		122/84	Mar. 10/84
amended		569/84	Sept. 15/84
Slow-Moving Vehicle Sign	487		
Special Permits	488		
Specifications and Standards for Trailer Couplings	489		
Speed Limits	490		
amended		67/81	Mar. 7/81
amended		109/81	Mar. 14/81
amended		176/81	Apr. 11/81
amended		200/81	Apr. 18/81
amended		338/81	June 6/81
amended		453/81	July 18/81
amended		534/81	Aug. 29/81
amended		573/81	Sept. 12/81
amended		592/81	Sept. 19/81
amended		696/81	Nov. 7/81
amended		708/81	Nov. 7/81
amended		19/82	Feb. 6/82
amended		21/82	Feb. 6/82
amended		137/82	Mar. 20/82
amended		227/82	May 1/82
amended		321/82	May 29/82
amended		344/82	June 12/82
amended		365/82	June 12/82
amended		465/82	July 24/82
amended		623/82	Oct. 9/82
amended		657/82	Oct. 23/82
amended		677/82	Oct. 23/82
amended		698/82	Nov. 6/82
amended		758/82	Dec. 4/82
amended		800/82	Dec. 25/82
amended		827/82	Jan. 8/83
amended		97/83	Mar. 5/83
amended		190/83	Apr. 16/83
amended		191/83	Apr. 16/83
amended		235/83	May 7/83
amended		280/83	May 28/83
amended		382/83	July 9/83
amended		399/83	July 16/83
amended		579/83	Oct. 1/83
amended		693/83	Nov. 19/83
amended		762/83	Dec. 24/83
amended		773/83	Dec. 31/83
amended		23/84	Feb. 4/84
amended		90/84	Mar. 3/84
amended		101/84	Mar. 3/84

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amended		117/84	Mar. 10/84
amended		158/84	Mar. 24/84
amended		178/84	Apr. 14/84
amended		303/84	May 26/84
amended		374/84	June 30/84
amended		468/84	Aug. 11/84
amended		524/84	Sept. 1/84
amended		628/84	Oct. 20/84
amended		658/84	Nov. 3/84
amended		687/84	Nov. 17/84
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amended		201/81	Apr. 18/81
amended		707/81	Nov. 7/81
amended		804/81	Dec. 19/81
amended		520/83	Aug. 27/83
amended		790/84	Dec. 29/84
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amended		456/81	July 25/81
amended		22/82	Feb. 6/82
amended		119/82	Mar. 20/82
amended		319/82	May 29/82
amended		676/82	Oct. 23/82
amended		791/82	Dec. 18/82
amended		124/83	Mar. 26/83
amended		234/83	May 7/83
amended		696/83	Nov. 19/83
amended		523/84	Sept. 1/84
amended		791/84	Dec. 29/84
Stop Signs in Territory Without Municipal Organization		574/81	Sept. 12/81
amended		680/81	Oct. 31/81
amended		18/82	Feb. 6/82
amended		320/82	May 22/82
amended		622/82	Oct. 9/82
amended		123/83	Mar. 26/83
amended		424/83	July 16/83
amended		456/83	Aug. 6/83
amended		642/83	Oct. 29/83
amended		429/84	July 14/84
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amended.....		108/84	Mar. 3/84
amended.....		120/84	Mar. 10/84
amended.....		278/84	May 19/84
amended.....		377/84	June 30/84
amended.....		724/84	Nov. 24/84
amended.....		819/84	Jan. 19/85
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amended.....		788/84	Dec. 29/84
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amended.....		73/82	Feb. 27/82
amended.....		458/82	July 17/82
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amended		499/84	Aug. 18/84
amended		707/84	Nov. 17/84
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amended		171/81	Apr. 11/81
amended		666/81	Oct. 24/81
amended		236/82	May 1/82
amended		736/82	Nov. 20/82
amended		232/83	May 7/83
amended		664/84	Nov. 10/84
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amended		188/81	Apr. 11/81
amended		272/81	May 16/81
amended		377/81	June 20/81
amended		482/81	Aug. 1/81
amended		614/81	Oct. 3/81
amended		699/81	Nov. 7/81
amended		820/81	Dec. 26/81
amended		70/82	Feb. 20/82
amended		313/82	May 22/82
amended		457/82	July 17/82
amended		550/82	Aug. 21/82
amended		552/82	Aug. 21/82
amended		723/82	Nov. 13/82
amended		72/83	Feb. 12/83
amended		275/83	May 21/83
amended		464/83	Aug. 6/83
amended		581/83	Oct. 1/83
amended		608/83	Oct. 15/83
amended		630/83	Oct. 15/83
amended		650/83	Oct. 29/83
amended		699/83	Nov. 19/83
amended		731/83	Dec. 10/83
amended		765/83	Dec. 24/83
amended		55/84	Feb. 18/84
amended		64/84	Feb. 18/84
amended		311/84	June 2/84
amended		328/84	June 9/84
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amended		239/84	May 5/84
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amended		77/82	Mar. 6/82
amended		265/82	May 8/82
amended		360/82	June 12/82
amended		22/83	Jan. 29/83
amended		76/83	Feb. 19/83
amended		193/83	Apr. 16/83
amended		214/83	Apr. 30/83
amended		314/83	June 4/83
amended		422/83	July 16/83
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amended		7/83	Jan. 22/83
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Community of Oba		849/82	Jan. 15/83
Community of Pearson		472/82	July 24/82

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Community of Redditt.....		796/81	Dec. 12/81
Community of Restoule.....		633/81	Oct. 17/81
Community of Robinson.....		333/81	June 6/81
Community of Rossport.....		782/82	Dec. 11/82
Community of Savard and Area.....		528/83	Sept. 3/83
Community of Searchmont.....		596/81	Sept. 19/81
Community of Shakespeare.....		527/83	Sept. 3/83
Community of Sultan.....		473/82	July 24/82
Community of Thorne.....		58/82	Feb. 20/82
amended.....		503/84	Aug. 25/84
Community of Wabigoon.....		7/81	Jan. 31/81
Community of Willisville and Whitefish Falls.....		327/82	May 29/82
amended.....		445/82	July 17/82
amended.....		765/84	Dec. 15/84

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amended.....		173/81	Apr. 11/81
amended.....		454/81	July 18/81
amended.....		463/81	July 25/81
amended.....		207/82	Apr. 24/82
amended.....		225/82	May 1/82
amended.....		524/82	Aug. 14/82
amended.....		745/82	Nov. 27/82
amended.....		162/83	Apr. 9/83
amended.....		241/83	May 14/83

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amended		542/83	Sept. 10/83
amended		543/83	Sept. 10/83
amended		673/83	Nov. 5/83
amended		154/84	Mar. 24/84
amended		155/84	Mar. 24/84
amended		261/84	May 12/84
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amended		174/81	Apr. 11/81
amended		215/81	Apr. 25/81
amended		226/82	May 1/82
amended		804/82	Dec. 25/82
amended		522/83	Sept. 3/83
amended		153/84	Mar. 24/84
amended		262/84	May 12/84
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amended		172/81	Apr. 11/81
amended		682/81	Oct. 31/81
amended		237/82	May 1/82
amended		231/83	May 7/83
amended		210/84	Apr. 28/84
amended		665/84	Nov. 10/84
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amended		197/81	Apr. 18/81
amended		196/82	Apr. 17/82
amended		322/82	May 29/82
amended		200/83	Apr. 16/83
amended		195/84	Apr. 14/84
Cheese Exchange		531/84	Sept. 1/84

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amended		599/81	Sept. 19/81
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amended		855/81	Jan. 9/82
amended		380/82	June 19/82
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amended		40/81	Feb. 14/81
amended		195/81	Apr. 18/81
amended		266/81	May 16/81
amended		515/81	Aug. 15/81
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amended		732/82	Nov. 20/82
amended		31/84	Feb. 4/84
amended		630/84	Oct. 20/84
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amended		41/81	Feb 14/81
amended		196/81	Apr. 18/81
amended		267/81	May 16/81
amended		516/81	Aug. 15/81
amended		594/81	Sept. 19/81
amended		650/81	Oct. 17/81
amended		877/81	Jan. 16/82
amended		47/82	Feb. 20/82
amended		522/82	Aug. 14/82
amended		559/82	Aug. 28/82
amended		592/82	Sept. 18/82
amended		725/82	Nov. 13/82
amended		857/82	Jan. 15/83
amended		81/83	Feb. 19/83
amended		199/83	Apr. 16/83
amended		253/83	May 14/83
amended		479/83	Aug. 13/83
amended		556/83	Sept. 17/83
amended		812/83	Jan. 14/84
amended		60/84	Feb. 18/84
amended		197/84	Apr. 14/84
amended		272/84	May 12/84
amended		493/84	Aug. 18/84
amended		571/84	Sept. 15/84
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amended		593/81	Sept. 19/81

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amended		649/81	Oct. 17/81
amended		723/81	Nov. 14/81
amended		876/81	Jan. 16/82
amended		46/82	Feb. 20/82
amended		523/82	Aug. 14/82
amended		558/82	Aug. 28/82
amended		591/82	Sept. 18/82
amended		679/82	Oct. 23/82
amended		724/82	Nov. 13/82
amended		856/82	Jan. 15/83
amended		79/83	Feb. 19/83
amended		198/83	Apr. 16/83
amended		252/83	May 14/83
amended		478/83	Aug. 13/83
amended		555/83	Sept. 17/83
amended		811/83	Jan. 14/84
amended		21/84	Jan. 28/84
amended		59/84	Feb. 18/84
amended		105/84	Mar. 3/84
amended		196/84	Apr. 14/84
amended		270/84	May 12/84
amended		271/84	May 12/84
amended		492/84	Aug. 18/84
amended		570/84	Sept. 15/84
amended		801/84	Jan. 5/85
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- Marketing	625		
amended		475/81	Aug. 1/81
amended		5/82	Jan. 23/82
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amended		595/81	Sept. 19/81
amended		746/81	Nov. 28/81
amended		145/82	Mar. 27/82
amended		291/82	May 15/82
amended		113/83	Mar. 19/83
amended		658/83	Oct. 29/83
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amended		80/83	Feb. 19/83
amended		58/84	Feb. 18/84
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amended		577/82	Sept. 11/82
amended		725/83	Dec. 10/83
amended		430/84	July 14/84
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amended		29/84	Feb. 4/84

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amended		30/84	Feb. 4/84
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amended		278/82	May 15/82
amended		709/83	Nov. 19/83
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amended.....		613/83	Oct. 15/83
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amended.....		617/83	Oct. 15/83
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amended.....		248/82	May 1/82
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amended.....		630/81	Oct. 10/81
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amended		555/82	Aug. 28/82
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amended		493/81	Aug. 8/81
amended		799/81	Dec. 12/81
amended		874/81	Jan. 16/82
amended		740/82	Nov. 20/82
amended		790/82	Dec. 18/82
amended		6/83	Jan. 22/83
amended		8/83	Jan. 22/83
amended		84/83	Feb. 19/83
amended		176/83	Apr. 16/83
amended		177/83	Apr. 16/83
amended		665/83	Oct. 29/83
amended		666/83	Oct. 29/83
amended		667/83	Oct. 29/83
amended		668/83	Oct. 29/83
amended		669/83	Oct. 29/83
amended		233/84	Apr. 28/84
amended		247/84	May 12/84
amended		343/84	June 16/84
amended		434/84	July 21/84

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amended		849/81	Jan. 9/82
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amended		836/81	Jan. 2/82
amended		181/82	Apr. 10/82
amended		694/82	Nov. 6/82
amended		729/84	Dec. 1/84
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amended		390/81	June 27/81
amended		103/84	Mar. 3/84
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amended		753/83	Dec. 17/83
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amended		367/84	June 23/84
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amended		299/81	May 23/81
amended		489/81	Aug. 8/81
amended		668/81	Oct. 24/81
amended		686/81	Oct. 31/81
amended		793/81	Dec. 12/81
amended		54/82	Feb. 20/82
amended		234/82	May 1/82
amended		296/82	May 22/82
amended		530/82	Aug. 21/82
amended		608/82	Sept. 25/82
amended		734/82	Nov. 20/82
amended		78/83	Feb. 19/83
amended		258/83	May 21/83
amended		459/83	Aug. 6/83
amended		550/83	Sept. 10/83
amended		703/83	Nov. 19/83
amended		790/83	Jan. 7/84
amended		61/84	Feb. 18/84
amended		287/84	May 19/84
amended		481/84	Aug. 18/84
amended		564/84	Sept. 15/84
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amended		156/84	Mar. 24/84
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amended		226/83	Apr. 30/83
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amended		769/83	Dec. 24/83
amended		190/84	Apr. 14/84
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Rates	695		
amended		97/81	Mar. 14/81
amended (revoked by 149/83)		190/82	Apr. 10/82
Rates		149/83	Apr. 2/83
amended		206/84	Apr. 28/84

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OFF-ROAD VEHICLES ACT, 1983			
General		47/84	Feb. 18/84
amended		426/84	July 14/84
OLEOMARGARINE ACT			
General	696		
amended		295/84	May 26/84
OMBUDSMAN ACT			
General Rules	697		
ONTARIO AGRICULTURAL MUSEUM ACT			
Fees	698		
amended		322/81	May 30/81
General	699		
ONTARIO ENERGY BOARD ACT			
General	700		
amended		330/81	June 6/81
amended		805/82	Dec. 25/82
amended		820/82	Jan. 1/83
amended		816/84	Jan. 19/85
Rules of Procedure	701		
Uniform System of Accounts for Gas Utilities Class A	702		
ONTARIO FOOD TERMINAL ACT			
Composition and Procedure of Board	703		
Conduct of Business	704		
Rental Fees for Delivering or Discharging Produce	705		
ONTARIO GUARANTEED ANNUAL INCOME ACT			
Forms (revoked by 231/82)	706		
Forms		231/82	May 1/82
amended		432/83	July 23/83
General	707		
amended		412/81	July 4/81
amended		230/82	May 1/82
amended		333/83	June 18/83
amended		758/83	Dec. 17/83
Guaranteed Income Limit (revoked by 345/81)	708		

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Guaranteed Income Limit..... (revoked by 432/81)		345/81	June 6/81
Guaranteed Income Limit..... (revoked by 681/81)		432/81	July 11/81
Guaranteed Income Limit..... (revoked by 865/81)		681/81	Oct. 31/81
Guaranteed Income Limit..... (revoked by 252/82)		865/81	Jan. 19/82
Guaranteed Income Limit..... (revoked by 480/82)		252/82	May 1/82
Guaranteed Income Limit..... (revoked by 687/82)		480/82	July 31/82
Guaranteed Income Limit..... (revoked by 62/83)		687/82	Oct. 30/82
Guaranteed Income Limit..... (revoked by 465/83)		62/83	Feb. 12/83
Guaranteed Income Limit..... (revoked by 759/83)		465/83	Aug. 6/83
Guaranteed Income Limit..... (revoked by 40/84)		759/83	Dec. 17/83
Guaranteed Income Limit..... (revoked by 264/84)		40/84	Feb. 11/84
Guaranteed Income Limit..... (revoked by 529/84)		264/84	May 12/84
Guaranteed Income Limit..... (revoked by 712/84)		529/84	Sept. 1/84
Guaranteed Income Limit..... (revoked by 769/84)		712/84	Nov. 17/84
Guaranteed Income Limit.....		769/84	Dec. 22/84
ONTARIO HERITAGE ACT			
Archaeological Sites.....	709		
Historic Sites.....	710		
Grants and Loans.....	711		
Grants to Incorporated Historical Societies and Associations..... (revoked by 418/84)	712		
Grants to Incorporated Historical Societies and Associations.....		418/84	July 14/84

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Grants for Museums..... (revoked by 689/81)	713		
Grants for Museums (revoking Reg.).....		689/81	Oct. 13/81
Grants for Museums.....		398/81	July 4/81
amended.....		729/81	Nov. 14/81
amended.....		224/83	Apr. 30/83
amended.....		417/84	July 14/84
Grants for Plaquing.....	714		
Licences..... (revoked by 212/82)	715		
Licences.....		212/82	Apr. 24/82
ONTARIO HIGHWAY TRANSPORT BOARD ACT			
Rules of Procedure.....	716		
amended.....		120/82	Mar. 20/82
amended.....		546/82	Aug. 21/82
ONTARIO HUMAN RIGHTS CODE (see now Human Rights Code, 1981 - S.O. 1981, c. 53)			
Form of Complaint..... (expired)	717		
ONTARIO INSTITUTE FOR STUDIES IN EDUCATION ACT			
General.....	718		
ONTARIO LOTTERY CORPORATION ACT			
General.....	719		
ONTARIO MINERAL EXPLORATION PROGRAM ACT			
General.....	720		
amended.....		82/81	Mar. 14/81
General.....	721		
ONTARIO MUNICIPAL BOARD ACT			
Fees.....		642/84	Oct. 27/84
Procedure.....	722		
Tariff of Fees.....	723		
amended.....		623/81	Oct. 10/81
amended.....		330/82	June 5/82
amended.....		61/83	Feb. 12/83
(revoked by 642/84)			

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ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM ACT			
General	724		
amended		641/81	Oct. 17/81
amended		389/82	June 19/82
amended		70/83	Feb. 12/83
amended		359/83	July 2/83
amended		349/84	June 16/84
ONTARIO MUNICIPAL IMPROVEMENT CORPORATION ACT			
Procedure	725		
ONTARIO NEW HOME WARRANTIES PLAN ACT			
Administration of the Plan	726		
amended		142/81	Mar. 28/81
amended		289/82	May 15/82
amended		120/83	Mar. 19/83
amended		78/84	Feb. 25/84
amended		677/84	Nov. 10/84
Designation of Corporation	727		
amended		777/84	Dec. 22/84
Terms and Conditions of Registration of Builders and Vendors	728		
ONTARIO PENSIONERS PROPERTY TAX ASSISTANCE ACT			
Definition - "Rent Paid" (revoked by 363/82)	729		
Definition - "Rent Paid" (revoking Reg.)		363/82	June 12/82
General (revoked by 776/81)	730		
General		776/81	Dec. 5/81
amended		688/82	Oct. 30/82
amended		757/83	Dec. 17/83
amended		713/84	Nov. 17/84
General (revoked by 726/81)	731		
General (revoked by 635/82)		726/81	Nov. 14/81
General		635/82	Oct. 9/82
amended		393/83	July 9/83
amended (revoked by 695/83)		513/83	Aug. 27/83
General (revoked by 654/84)		695/83	Nov. 19/83
General		654/84	Nov. 3/84

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ONTARIO PLACE CORPORATION ACT			
Fees	732		
amended		255/81	May 16/81
amended		784/81	Dec. 5/81
amended		726/82	Nov. 13/82
amended		287/83	May 28/83
amended		746/83	Dec. 17/83
amended		258/84	May 12/84
amended		836/84	Jan. 19/85
ONTARIO PLANNING AND DEVELOPMENT ACT			
Amendment to Local Plan - Vaughan Planning Area		76/81	Mar. 7/81
ONTARIO TELEPHONE DEVELOPMENT CORPORATION ACT			
Composition of Corporation	733		
ONTARIO UNCONDITIONAL GRANTS ACT			
Determination of Apportionments, Levies and Requisitions, 1981		579/81	Sept. 12/81
amended		104/82	Mar. 6/82
Determination of Apportionments and Levies, 1982		648/82	Oct. 16/82
Determination of Apportionments and Levies, 1983		289/83	May 28/83
Determination of Apportionments and Levies, 1984		255/84	May 12/84
General (revoked by 578/81)	734		
General		578/81	Sept. 12/81
amended		105/82	Mar. 6/82
amended (revoked by 565/82)		413/82	July 3/82
General (revoked by 246/83)		565/82	Sept. 4/82
General (revoked by 453/84)		246/83	May 14/83
General		453/84	July 28/84
ONTARIO UNIVERSITIES CAPITAL AID CORPORATION ACT			
Designated Universities	735		

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ONTARIO WATER RESOURCES ACT			
Plumbing Code	736		
amended		567/81	Sept. 12/81
amended		58/83	Feb. 5/83
(revoked by 815/84)			
Plumbing Code		815/84	Jan. 12/85
Rate of Interest	737		
South Cayuga Sewage Works	738		
(revoked by 520/81)			
South Cayuga Sewage Works (revoking Reg.)		520/81	Aug. 22/81
Water Wells	739		
amended		160/82	Apr. 3/82
(revoked by 612/84)			
Wells		612/84	Oct. 13/84
ONTARIO YOUTH EMPLOYMENT ACT			
General		183/81	Apr. 11/81
(expired)			
General		195/82	Apr. 17/82
(expired)			
General		163/83	Apr. 9/83
(expired)			
General		256/84	May 12/84
OPERATING ENGINEERS ACT			
General	740		
amended		180/82	Apr. 10/82
amended		406/82	June 26/82
amended		639/83	Oct. 29/83
amended		745/83	Dec. 17/83
amended		283/84	May 19/84
OPHTHALMIC DISPENSERS ACT			
General	741		
amended		401/84	July 7/84
P			
PAPERBACK AND PERIODICAL DISTRIBUTORS ACT			
General	742		
amended		611/83	Oct. 15/83

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PARKS ASSISTANCE ACT			
General	743		
PARKWAY BELT PLANNING AND DEVELOPMENT ACT			
(An asterisk (*) denotes that the Regulation has been amended prior to January 1, 1981 but the amendments are not shown.) (- for amendments to the end of 1980 - see Table of Regulations published in The Ontario Gazette dated March 14, 1981 or in the Statutes of Ontario, 1980.)			
Land Use Regulations -			
County of Halton (now The Regional Municipality of Halton), City of Burlington		*482/73	
amended		55/81	Feb. 21/81
amended		87/81	Mar. 14/81
amended		145/81	Mar. 28/81
amended		147/81	Apr. 4/81
amended		275/81	May 16/81
amended		420/81	July 11/81
amended		468/81	July 25/81
amended		544/81	Sept. 5/81
amended		604/81	Sept. 19/81
amended		605/81	Sept. 19/81
amended		724/81	Nov. 14/81
amended		725/81	Nov. 14/81
amended		826/81	Dec. 26/81
amended		25/82	Feb. 13/82
amended		32/82	Feb. 13/82
amended		482/82	July 31/82
amended		566/82	Sept. 4/82
amended		757/82	Dec. 4/82
amended		818/82	Jan. 1/83
amended		201/83	Apr. 23/83
amended		202/83	Apr. 23/83
amended		318/83	June 11/83
amended		346/83	June 25/83
amended		578/83	Oct. 1/83
amended		767/83	Dec. 24/83
amended		106/84	Mar. 3/84
amended		159/84	Mar. 24/84
amended		304/84	May 26/84
amended		341/84	June 16/84
amended		457/84	Aug. 4/84
amended		504/84	Aug. 25/84
amended		539/84	Sept. 8/84
amended		561/84	Sept. 15/84
County of Halton (now The Regional Municipality of Halton), Town of Milton		*480/73	

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County of Halton (now part of the Regional municipalities of Halton and Peel), Town of Oakville (now part of the towns of Halton Hills, Milton, Oakville and the City of Mississauga)		*481/73	
amended		15/81	Feb. 7/81
amended		146/81	Apr. 4/81
amended		184/81	Apr. 11/81
amended		192/81	Apr. 18/81
amended		258/81	May 16/81
amended		265/81	May 16/81
amended		317/81	May 30/81
amended		386/81	June 27/81
amended		419/81	July 11/81
amended		449/81	July 18/81
amended		598/81	Sept. 19/81
amended		709/81	Nov. 7/81
amended		362/82	June 12/82
amended		377/82	June 19/82
amended		505/82	Aug. 7/82
amended		704/82	Nov. 6/82
amended		705/82	Nov. 6/82
amended		706/82	Nov. 6/82
amended		707/82	Nov. 6/82
amended		817/82	Jan. 1/83
amended		88/83	Feb. 26/83
amended		116/83	Mar. 19/83
amended		136/83	Mar. 26/83
amended		356/83	July 2/83
amended		363/83	July 9/83
amended		444/83	July 23/83
amended		471/83	Aug. 13/83
amended		635/83	Oct. 15/83
amended		715/83	Nov. 26/83
amended		232/84	Apr. 28/84
amended		305/84	May 26/84
amended		306/84	May 26/84
amended		586/84	Sept. 29/84
amended		643/84	Oct. 27/84
amended		690/84	Nov. 17/84
County of Peel (now The Regional Municipality of Peel), Town of Mississauga (now part of the cities of Brampton and Mississauga)		*479/73	
amended		60/81	Feb. 21/81
amended		198/81	Apr. 18/81
amended		240/81	May 9/81
amended		244/81	May 9/81
amended		245/81	May 9/81
amended		319/81	May 30/81
amended		329/81	June 6/81
amended		464/81	July 25/81
amended		537/81	Aug. 29/81
amended		715/82	Nov. 13/82
amended		119/83	Mar. 19/83
amended		203/83	Apr. 23/83
amended		370/84	June 30/84
amended		772/84	Dec. 22/84

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County of Peel (now The Regional Municipality of Peel), Township of Toronto Gore (now the City of Brampton).....		*476/73	
amended.....		763/81	Nov. 28/81
amended.....		33/82	Feb. 13/82
amended.....		726/83	Dec. 10/83
County of Peel (now The Regional Municipality of Peel), Township of Chinguacousy (now the City of Brampton).....		*477/73	
amended.....		691/81	Nov. 7/81
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Town of Dundas.....		*486/73	
amended.....		354/81	June 13/81
amended.....		1/82	Jan. 23/82
amended.....		693/82	Nov. 6/82
amended.....		26/83	Jan. 29/83
amended.....		728/83	Dec. 10/83
amended.....		432/84	July 21/84
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Township of East Flamborough (now the Township of Flamborough).....		*483/73	
amended.....		90/83	Feb. 26/83
amended.....		439/83	July 23/83
amended.....		787/84	Dec. 29/84
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Township of West Flamborough (now the Township of Flamborough).....		*484/73	
amended.....		483/82	July 31/82
amended.....		617/82	Oct. 2/82
amended.....		133/83	Mar. 26/83
amended.....		134/83	Mar. 26/83
amended.....		135/83	Mar. 26/83
amended.....		213/83	Apr. 30/83
amended.....		485/83	Aug. 20/83
amended.....		582/83	Oct. 1/83
amended.....		727/83	Dec. 10/83
County of Wentworth (now The Regional Municipality of Hamilton-Wentworth), Village of Waterdown (now the Township of Flamborough.....		*485/73	
Municipality of Metropolitan Toronto, Borough of Etobicoke (now the City of Etobicoke).....		*478/73	
amended.....		506/82	Aug. 7/82
amended.....		95/83	Mar. 5/83
amended.....		328/83	June 18/83
amended.....		523/83	Sept. 3/83
amended.....		655/84	Nov. 3/84

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Regional Municipality of York, Town of Markham		*473/73	
amended		282/81	May 23/81
amended		443/81	July 11/81
amended		582/81	Sept. 12/81
amended		432/82	July 3/82
amended		437/82	July 10/82
amended		470/82	July 24/82
amended		513/82	Aug. 14/82
amended		593/82	Sept. 18/82
amended		317/83	June 11/83
amended		489/83	Aug. 20/83
amended		491/83	Aug. 20/83
amended		634/83	Oct. 10/83
amended		718/83	Dec. 3/83
amended		770/83	Dec. 24/83
amended		11/84	Jan. 28/84
amended		171/84	Apr. 7/84
amended		689/84	Nov. 17/84
Regional Municipality of York, Town of Richmond Hill		*474/73	
amended		508/82	Aug. 7/82
amended		472/84	Aug. 11/84
amended		521/84	Sept. 1/84
Regional Municipality of York, Town of Vaughan		*475/73	
amended		79/81	Mar. 7/81
amended		49/82	Feb. 20/82
amended		189/82	Apr. 10/82
amended		376/82	June 19/82
amended		387/82	June 19/82
amended		433/82	July 10/82
amended		434/82	July 10/82
amended		469/82	July 24/82
amended		507/82	Aug. 7/82
amended		620/82	Oct. 9/82
amended		104/83	Mar. 12/83
amended		413/83	July 16/83
amended		546/83	Sept. 10/83
(revoked by 315/84)			
Regional Municipality of York, Town of Vaughan (revoking Reg.)		315/84	June 2/84
Parkway Belt Planning Area	744		
PARTNERSHIPS REGISTRATION ACT			
General	745		
amended		204/84	Apr. 14/84
PENSION BENEFITS ACT			
Exemption		166/81	Apr. 4/81
Exemption		315/82	May 22/82

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General	746		
amended		101/81	Mar. 14/81
amended		262/82	May 8/82
amended		500/83	Aug. 27/83
amended		73/84	Feb. 18/84
amended		620/84	Oct. 20/84
PERSONAL PROPERTY SECURITY ACT			
Branch Offices	747		
amended		616/84	Oct. 20/84
Fees Concerning Security Documents	748		
amended		137/84	Mar. 17/84
General	749		
amended		838/81	Jan. 2/82
Personal Property Security Assurance Fund	750		
PESTICIDES ACT			
General	751		
amended		252/81	May 16/81
amended		616/81	Oct. 3/81
amended		756/81	Nov. 28/81
amended		161/82	Apr. 3/82
amended		70/84	Feb. 18/84
amended		731/84	Dec. 1/84
PETROLEUM RESOURCES ACT			
Exploration, Drilling and Production	752		
amended		35/82	Feb. 13/82
Spacing Units -			
Arthur Pool	753		
Clearville	754		
Colchester South	755		
Courtright Pool	756		
Coveny Pool	757		
Dawn 4-28-111 Pool	758		
Dawn and Sombra (Townships of)	759		
Dover 7-5-V Pool		622/83	Oct. 15/83
Duncannon Pool	760		
Egremont (Township of)	761		
Ekfrid Pool	762		

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General Dawn 5-27-111 Pool.....	763		
Gosfield South (Township of).....	764		
Hemlock Pool.....	765		
Innerkip East Pool.....	766		
Innerkip Pool.....	767		
Ladysmith Pool.....	768		
Malden (Township of).....	769		
Mersea 1-15-B Pool.....		584/84	Sept. 29/84
Moore (Township of).....	770		
Osborne Pool.....	771		
Otter Creek East Pool.....	772		
Otter Creek Pool.....	773		
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Plympton 5-19-VI Pool.....	775		
Ruscom River Pool.....	776		
St. Patrick's Pool.....	777		
Terminus North Pool.....	778		
Townsend Pool.....	779		
Venison Creek Pool.....	780		
Verschoyle West Pool.....	781		
Wilsonville Pool.....	782		
Wilsonville South Pool.....	783		
PITS AND QUARRIES CONTROL ACT			
General.....	784		
amended.....		157/81	Apr. 4/81
amended.....		323/81	May 30/81
amended.....		424/84	July 14/84
PLANNING ACT (see now Planning Act, 1983 - S.O.1983, c.1)			
Delegation of Authority of Minister under Section 53 of the Planning Act - Condominium Plans..... (revoked by 475/83)		324/81	May 30/81

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- Condominium Plans..... (revoked by 475/83)		147/83	Apr. 2/83
- Subdivision Plans..... (revoked by 476/83)		78/82	Mar. 6/82
NOTE: For Delegation of Authority Withdrawals see "Withdrawals of Delegation of Authority of Minister under....."			
Notice Requirements -			
Restricted Area By-Laws..... (revoked by 404/83)	785		
Order of the Minister under Section 30 of the Planning Act			
Town of Fort Erie in The Regional Municipality of Niagara, Lot 15 and parts of lots 14 and 16, Plan Number 32.....		2/81	Jan. 24/81
City of London in the County of Middlesex, Lot 35, Plan Number 630.....		3/81	Jan. 24/81
Township of Aldborough in the County of Elgin, Lot 7, Concession XII, Plan Number D-320.....		8/81	Jan. 31/81
Township of Essa in the County of Simcoe, Lot 19, Concession IV, Plan Number 51R-478.....		12/81	Feb. 7/81
Town of Bracebridge in the District Municipality of Muskoka, Lot 20 in Concession IX, Plan Number BR-1624.....		17/81	Feb. 7/81
Town of Fort Erie in The Regional Municipality of Niagara, Lot 40, Plan Number 1088 and Lot 57, Plan Number 200.....		34/81	Feb. 14/81
Town of Blind River in the Territorial District of Algoma, Lot 376, Plan Number 487.....		54/81	Feb. 21/81
Town of Goderich in the County of Huron, lots 865 and 866, lots 888 and 889, Plan Number 7.....		74/81	Mar. 7/81
City of Hamilton in The Regional Municipality of Hamilton-Wentworth, lots 6, 7, 8 and part of Lot 9 Plan Number 62R-423.....		86/81	Mar. 14/81
Township of Bedford in the County of Frontenac, Lot 31, Concession VII, Plan Number R-95		124/81	Mar. 21/81

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Township of Paipoonge in the Territorial District of Thunder Bay, Lot 25, Concession III, Parcel 2094.....		189/81	Apr. 11/81
Township of Snowdon in the Provisional County of Haliburton, Plan Number 19R-538.....		211/81	Apr. 25/81
Town of Newcastle, formerly in the Township of Darlington, in the County of Durham, Lot 23, Concession III.....		234/81	May 2/81
Township of Dunwich in the County of Elgin, Lot 8, Concession VII.....		260/81	May 16/81
Township of Rama in the County of Simcoe, formerly in the County of Ontario, Lot 19, Concession F..... (revoked by 486/81)		261/81	May 16/81
Township of Rama in the County of Simcoe, Lot 19, Concession F.....		262/81	May 16/81
Town of Wasaga Beach formerly in the Village of Wasaga Beach, in the County of Simcoe, Lot 2, Concession XV, Plan Number 815.....		263/81	May 16/81
Town of Wasaga Beach in the County of Simcoe, Plan Number 518942 and Plan Number 815.....		264/81	May 16/81
Township of Verulam in the County of Victoria, Lot 11, Concession IV, Plan Number RD60.....		351/81	June 13/81
Borough of York in The Municipality of Metropolitan Toronto, Parts of Lots 314 and 315, Plan Number 1813.....		356/81	June 13/81
Borough of York in The Municipality of Metropolitan Toronto, Parts of Lots 17 and 18, Plan Number 847.....		357/81	June 13/81
Township of Essa in the County of Simcoe, Part of the East Half of Lot 19, Concession IV, Plan Number 51R-478.....		391/81	June 27/81
Township of Wainfleet in The Regional Municipality of Niagara, formerly in the County of Welland, Parts of Lots 19 and 20, Concession III, Plan Number 778A.....		392/81	June 27/81

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Town of Fort Erie in The Regional Municipality of Niagara, formerly in the County of Welland, Part of Block F, Corporation Plan No. 24, now known as Plan 525.....		393/81	June 27/81
Township of Amaranth in the County of Dufferin, Lot 1, Concession IX.....		403/81	July 4/81
Township of Carden in the County of Victoria, Lot 2, Concession IV, Plan Number 57R-228.....		411/81	July 4/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Township of Bertie in the County of Welland, Lot 4, Cross Concession.....		450/81	July 18/81
City of Toronto in The Municipality of Metropolitan Toronto, Lot 1, Plan Number 128E.....		485/81	Aug. 8/81
Township of Rama in the County of Simcoe, formerly in the County of Ontario, Lot 19, Concession F.....		486/81	Aug. 8/81
City of Mississauga in The Regional Municipality of Peel, formerly in the Township of Toronto in the County of Peel, Lot 128, Plan Number 745.....		488/81	Aug. 8/81
Town of Wasaga Beach, formerly the Village of Wasaga Beach, in the County of Simcoe, Lot 5, Sixteenth Concession.....		528/81	Aug. 29/81
City of North York, formerly in the Borough of York, in The Municipality of Metropolitan Toronto, Plan Number 2056.....		542/81	Sept. 5/81
Town of East Gwillimbury in The Regional Municipality of York, Block E, Part I, Plan Number 402..... (revoked by 585/81)		577/81	Sept. 12/81
Town of East Gwillimbury in The Regional Municipality of York, Block E, Part I, Plan Number 402.....		585/81	Sept. 12/81
Town of Tay in the County of Simcoe, Lot 13, Plan Number 87 designated as Part 14, Plan Number 51R-1278.....		612/81	Oct. 3/81

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City of Orillia, formerly in the Township of South Orillia, in the County of Simcoe, Lot 5, Concession IV, Parts 1, 2, 3 and 4 Plan Number 51R-1130.....		618/81	Oct. 10/81
Geographic Township of Casgrain in the Territorial District of Cochrane, Lot 25, Concession VII.....		632/81	Oct. 17/81
Township of Rama in the County of Simcoe, Lot 5, Concession L.....		674/81	Oct. 24/81
Township of Nottawasaga in the County of Simcoe, Lot 32, Concession IV and V.....		676/81	Oct. 31/81
Town of Markham in The Regional Municipality of York, formerly in the Township of Markham in the County of York, Parcel 6-1, Section MA-2..... (revoked by 861/81)		677/81	Oct. 31/81
City of Toronto and partly in the Borough of York, formerly in the Township of York, Plan No. 1885.....		714/81	Nov. 7/81
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Township of Bertie in the County of Welland, Lot 2, Concession II.....		780/81	Dec. 5/81
Township of Tay in the County of Simcoe, Lot 14, Plan Number 87, Part 5, Plan Number 51R-1278.....		782/81	Dec. 5/81
Township of Mariposa in the County of Victoria, lots 7 and 8, Concession A, Part 54, Plan Number R.D. 187 and Lot 98, Plan Number 553.....		783/81	Dec. 5/81
Town of Wasaga Beach in the County of Simcoe, Lot 26, Plan Number 1576.....		797/81	Dec. 12/81
Town of Wasaga Beach, formerly in the Village of Wasaga Beach, in the County of Simcoe, part of Lot 6, Concession XVI, Plan Number 51R-553.....		840/81	Jan. 2/82
Town of Markham in The Regional Municipality of York, formerly in the Township of Markham in the County of York, Parcel 6-7 for Section MA-2.....		861/81	Jan. 9/82
Township of Lindsay in the County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		869/81	Jan. 16/82

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Township of Emily in the County of Victoria, Lot 13, Concession I, Plan Number RD-44.....		6/82	Jan. 30/82
Township of Tay in the County of Simcoe, part of Lot 112, Concession II, Plan Number 51R-1231.....		51/82	Feb. 20/82
Geographic Township of Monteith in the Territorial District of Parry Sound, part of Lot 31, Concession VIII, Plan Number PSR 1700.....		64/82	Feb. 20/82
Geographic Township of Monteith in the Territorial District of Parry Sound, part of Lot 31, Concession VIII, Plan Number PSR 1700.....		65/82	Feb. 20/82
Township of Tay in the County of Simcoe, part of Lot 13, Plan Number 51R-1278.....		80/82	Mar. 6/82
Township of Cardiff in the Provisional County of Haliburton, part of Lot 24, Concession VI.....		81/82	Mar. 6/82
Township of Bedford in the County of Frontenac, part of Lot 31, Concession VII.....		87/82	Mar. 6/82
City of North York in The Municipality of Metropolitan Toronto, part of Lot 64, Plan Number 7611.....		112/82	Mar. 13/82
City of North York in The Municipality of Metropolitan Toronto, Lot 65, Plan Number 7611.....		113/82	Mar. 13/82
Township of Uxbridge in The Regional Municipality of Durham in the County of Ontario, part of Lot 14, Concession VII, Plan Number 414.....		143/82	Mar. 27/82
Town of Wasaga Beach in the County of Simcoe, Lot 43, Plan Number 1700.....		163/82	Apr. 3/82
Township of Tay in the County of Simcoe, Lot 83, Concession 1, Plan Number 51R-10463..... (revoked by 453/82)		164/82	Apr. 3/82
Township of Scugog in The Regional Municipality of Durham, Lot 5, Concession X, Plan Number 40R-4747.....		175/82	Apr. 10/82

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Township of Tay in the County of Simcoe, lots 13 and 14, Plan Number 51R-1278.....		192/82	Apr. 17/82
Township of Georgina in The Regional Municipality of York, Lot 11, Concession III, Plan Number 86766B.....		193/82	Apr. 17/82
City of Mississauga in The Regional Municipality of Peel, Lot 162, Plan Number 774.....		280/82	May 15/82
City of Mississauga in The Regional Municipality of Peel, Lot 5, Concession I, Plan Number 43R-9820.....		292/82	May 22/82
Town of Wasaga Beach, County of Simcoe, Lot 6, Concession XVI, Plan Number RD469.....		301/82	May 22/82
Township of Smith in the County of Peterborough, Lot 27, Concession XIV, Plan Number 45R-4201.....		316/82	May 29/82
Town of Parry Sound, Territorial District of Parry Sound, Lots 114 and 115 on Westside of Highview Street, Plan Number 135.....		332/82	June 5/82
Township of Mariposa, County of Victoria, Lot 40, Plan Number 553.....		371/82	June 19/82
Township of Southwold, County of Elgin, Lot 45, Plan Number D-911.....		372/82	June 19/82
Township of Mariposa, County of Victoria, Part 19 on Reference Plan, Lot 40, Plan Number 553..... (revoked by 435/82)		381/82	June 19/82
Township of Essa in the County of Simcoe, Lot 19 in Concession IV, Plan Number 478.....		402/82	June 26/82
Town of Wasaga Beach, formerly in the Township of Sunnidale, in the County of Simcoe, Lot 5, Concession XV, Plan Number 51R-1316.....		420/82	July 3/82
Township of Adelaide, County of Middlesex, Concession III, Lot 19, Plan Number 295.....		421/82	July 3/82

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Township of Adelaide, County of Middlesex, Concession III, Lot 20, Plan Number 295.....		422/82	July 3/82
Township of Normandy, County of Grey, Lot 30, Concession XIII.....		427/82	July 3/82
Township of Mariposa, County of Victoria, Part 19 on Reference Plan, Lot 40, Plan Number 553, (revoking Reg.).....		435/82	July 10/82
Township of Beaucage in the Territorial District of Nipissing, Lot 12, Concession I, Plan Number P-2259.....		446/82	July 17/82
Township of Lindsay, County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		452/82	July 17/82
Township of Tay, County of Simcoe, Lot 83, Concession I, Plan Number 51R-10463.....		453/82	July 17/82
Township of Leamington, County of Essex, Lot 10, Plan Number 198.....		461/82	July 24/82
Village of Elora, County of Wellington Wellington South (No.61), Plan Number 181.....		481/82	July 31/82
Township of London, County of Middlesex, Concession XI.....		493/82	Aug. 7/82
Township of Matchedash, County of Simcoe, Lot 20, Concession VIII.....		510/82	Aug. 14/82
Village of Elora, County of Wellington, Wellington South (No.61) as Number 181, Plan Number WGR-14.....		511/82	Aug. 14/82
Township of Himsworth South, District of Parry Sound, Lot 11, Concession XVII, Number PSR, Plan 290.....		512/82	Aug. 14/82
Township of Cardiff, Provisional County of Haliburton, Lot 24, Concession VI.....		578/82	Sept. 11/82
Town of Halton Hills, The Regional Municipality of Halton (formerly the Town of Acton in the County of Halton) Lot 40, Plan Number 772.....		603/82	Sept. 25/82
Township of West Lincoln, The Regional Municipality of Niagara (Formerly in the Township of Gainsborough, County of Lincoln) Lot 19, Concession IV.....		605/82	Sept. 25/82

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Township of Cardiff, Provisional County of Haliburton, Lot 24, Concession VI.....		666/82	Oct. 23/82
Township of Innisfil, County of Simcoe, Lot 30, Concession XIII, Plan Number 660..... (revoked by 4/83)		675/82	Oct. 23/82
Township of Adjala in the County of Simcoe, Plan Number RD-622.....		691/82	Oct. 30/82
Township of Innisfil in the County of Simcoe, Lot 26, Concession XI.....		699/82	Nov. 6/82
Township of Bayham in the County of Elgin.....		735/82	Nov. 20/82
Township of Essa in the County of Simcoe, Lot 19, Concession IV.....		756/82	Dec. 4/82
Township of Tudhope in the Territorial District of Timiskaming, Lot 11, Concession 1, Plan Number 54R-1327.....		759/82	Dec. 4/82
Township of Essa in the County of Simcoe, Lot 19, Concession IV, Plan Number 51R-11213.....		763/82	Dec. 4/82
Township of Lindsay in the County of Bruce, Lot 15, Concession VIII, Plan Number R-174.....		764/82	Dec. 4/82
Township of Cramahe in the County of Northumberland, Lots 14, 15 and 16 in Concession IV.....		788/82	Dec. 4/82
Township of Brant in the County of Bruce, Lot 30, Concession II.....		811/82	Jan. 1/83
Township of Innisfil in the County of Simcoe, Part of Broken, Lot 30, Concession XIII and Part of Lot 39 and Block G, Plan Number 660.....		4/83	Jan. 22/83
Town of Wasaga Beach (formerly in the township of Sunnidale) in the County Simcoe, Lot 6, Concession XVI, Plan Number 534.....		18/83	Jan. 29/83
Town of Rayside - Balfour in The Regional Municipality of Sudbury, Lot 1, Concession III, Plan Number 53R-3792.....		52/83	Feb. 5/83

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Town of Lindsay, formerly in the Township of Ops, in the County of Victoria, east half of Lot 20 in Concession IV, Plan Number 97956; Lot 20, Concession IV, Plan Number 13415.....		59/83	Feb. 5/83
Town of Onaping Falls formerly in the Township of Dowling, in The Regional Municipality of Sudbury, Lot 10, Concession IV.....		89/83	Feb. 26/83
Town of Wasaga Beach, formerly in the Township of Nottawasaga, County of Simcoe, Lot 8, Plan Number 862.....		105/83	Mar. 12/83
Town of Fort Erie in The Regional Municipality of Niagara, parts of Lots 13 and 14, Plan Number 328 for the Town of Fort Erie and Plan Number 2371 for the former Township of Bertie, now known as Plan Number 992.....		109/83	Mar. 12/83
City of Cornwall in the United Counties of Stormont, Dundas and Glengarry, Lot 7, Concession 1.....		110/83	Mar. 19/83
Township of Wolford in the United Counties of Leeds and Grenville, Lot 10, Concession II.....		111/83	Mar. 19/83
Township of Orillia in the County of Simcoe, Lot 2 Concession 1, Plan Number 478.....		115/83	Mar. 19/83
Township of Dack, in the Territorial District of Timiskaming, Parcel 17567, South Section Timiskaming.....		143/83	Mar. 26/83
Township of Tay in the County of Simcoe, part of Lot 13 Plan Number 51R-1278.....		181/83	Apr. 16/83
Town of Wasaga Beach in the County of Simcoe, Lot 40 Plan Number 1700.....		182/83	Apr. 16/83
Township of Croft in the Territorial District of Parry Sound, Lots 21 and 22, Concession III, Plan Number P5R 1904.....		207/83	Apr. 23/83

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City of Mississauga in The Regional Municipality of Peel, formerly in the Township of Toronto in the County of Peel, part of Lot 125 Plan Number 774.....		216/83	Apr. 30/83
Township of Hagerman in the Territorial District of Parry Sound, parts of Lots 28, 29 and 30 in Concession VII Plan Number 260.....		217/83	Apr. 30/83
Town of Fort Erie in The Regional Municipality of Niagara, formerly in the Village of Crystal Beach in the County of Welland, part of Block P Plan Number 544.....		243/83	May 14/83
Township of Evanturel in the Territorial District of Timiskaming, part of the south half of Lot 7 in Concession I.....		249/83	May 14/83
Townships of Belmont and Methuen, formerly in the Township of Methuen, in the County of Peterborough, parts of Lot 30 in Concession IX.....		315/83	June 11/83
Township of Mariposa in the County of Victoria, part of Lot 1 in Concession C, part 6 Number R.D. 200 Lot 11 Number 547.....		327/83	June 18/83
Township of Howard in the County of Kent, half Lot 93, Number 219087.....		329/83	June 18/83
Township of Mariposa in the County of Victoria part of Lot 8 in Concession A Number R.D. 187.....		352/83	June 25/83
Town of Goderich in the County of Huron West half of Lot 376 Plan Number 457.....		357/83	July 2/83
Town of Huntsville in the District Municipality of Muskoka, formerly in the Township of Chaffey in the District of Muskoka, Part of Lot 11, Concession III Township of Chaffey Part 18, Plan Number BR-1048.....		420/83	July 16/83
Town of Aylmer in the County of Elgin Lots 1, 2, 3, 4 and 5 of Plan 301.....		421/83	July 16/83

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Town of Rayside-Balfour in The Regional Municipality of Sudbury, part of Lot 1 in Concession III, Plan Number 53R-3792.....		467/83	Aug. 6/83
Town of Rayside-Balfour in The Regional Municipality of Sudbury, part of Lot 1 in Concession III, Plan Number 53R-3792.....		468/83	Aug. 6/83
Township of Fenelon in the County of Victoria part of Lot 30 in Concession VII.....		472/83	Aug. 13/83
Township of Georgina, in The Regional Municipality of York, formerly in the County of York, part of Lot Numbers 22 and 23 in Concession 1.....		518/83	Aug. 27/83
City of Mississauga in The Regional Municipality of Peel (formerly in the Township of Toronto, in the County of Peel) part of Block B, Plan Number 680.....		519/83	Aug. 27/83
(An asterisk (*) denotes that the Regulation has been amended prior to January 1, 1981 but the amendments are not shown.) (- for amendments to the end of 1980 - see Table of Regulations published in The Ontario Gazette dated March 14, 1981 or in the Statutes of Ontario, 1980.)			
Restricted Areas - (now zoning)			
County of Brant,			
Township of Brantford.....		*295/74	
Township of Brantford (revoking Reg.).....		695/82	Nov. 6/82
County of Bruce,			
Township of Brant (revoking Reg.).....		747/82	Nov. 27/82
Township of Carrick.....		*274/74	
amended.....		358/83	July 2/83
Township of Huron (revoking Reg.).....		746/82	Nov. 27/82
Town of Kincardine (revoking Reg.).....		748/82	Nov. 27/82
County of Elgin,			
Township of Bayham (*284/74) amended..... (revoked by 799/82)		738/81	Nov. 21/81
Township of Bayham (revoking Reg.).....		799/82	Dec. 25/82
Township of Malahide (revoking Reg.)...		588/82	Sept. 18/82

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County of Essex,			
Township of Colchester South (revoking Reg.).....		176/82	Apr. 10/82
Township of Mersea (revoking Reg.).....		632/82	Oct. 9/82
Township of Tilbury North.....		*674 of R.R.O. 1970	
amended.....		701/83	Nov. 19/83
County of Frontenac,			
Township of Bedford (revoking Reg.)....		159/81	Apr. 4/81
County of Grey,			
Township of Glenelg.....		*294/74	
County of Haliburton,			
Township of Cardiff (revoking Reg.)....		604/82	Sept. 25/82
County of Hastings,			
Township of Sidney (revoking Reg.).....		305/82	May 22/82
Township of Thurlow.....		*318/74	
amended.....		218/83	Apr. 30/83
amended.....		593/84	Oct. 6/84
County of Huron,			
Township of East Wawanosh (revoking Reg.).....		238/82	May 1/82
Township of Hay (revoking Reg.).....		241/82	May 1/82
Township of Morris (revoking Reg.).....		239/82	May 1/82
Township of Stephen.....		*289/74	
amended.....		410/81	July 4/81
Township of Turnberry (revoking Reg.).....		240/82	May 1/82
Township of Usborne.....		*287/74	
County of Kent,			
Township of Camden (revoking Reg.).....		214/82	Apr. 24/82
Township of Chatham (*10/73)			
amended.....		752/81	Nov. 28/81
amended.....		809/81	Dec. 19/81
amended..... (revoked by 642/82)		587/82	Sept. 18/82
Township of Chatham (revoking Reg.)....		642/82	Oct. 16/82
Township of Harwich.....		69/81	Mar. 7/81
Township of Raleigh (revoking Reg.)....		68/81	Mar. 7/81
Township of Raleigh.....		70/81	Mar. 7/81

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County of Lambton,			
Township of Bosanquet (revoking Reg.)		100/82	Mar. 6/82
Township of Moore		250/83	May 14/83
Township of Warwick		*281/74	
amended		851/81	Jan. 9/82
County of Lanark,			
Township of Drummond (revoking Reg.)		531/81	Aug. 29/81
County of Leeds and Grenville,			
Township of Front of Leeds and Lansdowne (revoking Reg.)		547/82	Aug. 21/82
Township of Oxford (on Rideau)		372/77	
amended		22/81	Feb. 14/81
Township of South Elmsley		*310/74	
Township of South Gower		371/77	
County of Northumberland,			
Township of Murray (revoking Reg.)		862/81	Jan. 16/82
County of Ontario (now The Regional Municipality of Durham),			
Township of Pickering (now the Town of Pickering)		*102/72	
amended		208/81	Apr. 18/81
amended		209/81	Apr. 25/81
amended		833/81	Jan. 2/82
amended		852/81	Jan. 9/82
amended		165/82	Apr. 3/82
amended		492/82	Aug. 7/82
amended		64/83	Feb. 12/83
amended		93/83	Feb. 26/83
amended		194/83	Apr. 16/83
amended		283/83	May 28/83
amended		291/83	May 28/83
amended		310/83	June 4/83
amended		311/83	June 4/83
amended		469/83	Aug. 6/83
amended		114/84	Mar. 10/84
amended		608/84	Oct. 13/84
Township of Uxbridge		*103/72	
amended		538/81	Aug. 29/81
amended		426/82	July 3/82
amended		584/83	Oct. 1/83
(revoked by 506/84)			
Township of Uxbridge (revoking Reg.)		506/84	Aug. 25/84
County of Oxford,			
Township of Tillsonburg		*347/74	

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County of Perth,			
Township of Elma (revoking Reg.).....		182/82	Apr. 10/82
Township of Wallace (revoking Reg.)....		183/82	Apr. 10/82
County of Peterborough,			
Township of North Monaghan.....		377/77	
Township of Smith.....		720/79	
Township of Smith.....		879/79	
County of Prescott and Russell,			
Township of West Hawkesbury..... (revoked by 721/84)		*321/74	
Township of West Hawkesbury (revoking Reg.).....		721/84	Nov. 24/84
County of Prince Edward,			
Township of North Marysburgh (revoking Reg.).....		812/81	Dec. 19/81
Township of Sophiasburgh (revoking Reg.).....		696/82	Nov. 6/82
County of Renfrew,			
Township of Admaston.....		*316/74	
Township of Alice and Fraser.....		*314/74	
Township of Horton..... (revoked by 520/84)		*317/74	
Township of Horton (revoking Reg.).....		520/84	Sept. 1/84
Township of McNab.....		*311/74	
amended.....		437/81	July 11/81
Township of Pembroke..... (revoked by 519/84)		*315/74	
Township of Pembroke (revoking Reg.).....		519/84	Sept. 1/84
Township of Rolph, Buchanan, Wylie and McKay.....		*312/74	
Township of Stafford (revoking Reg.)...		697/82	Nov. 6/82
County of Simcoe,			
Township of Essa.....		*299/74	
Township of Innisfil.....		1034/80	
amended.....		20/82	Feb. 6/82
amended.....		5/84	Jan. 21/84

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Township of Innisfil.....		675/81	Oct. 24/81
amended.....		438/82	July 10/82
amended.....		621/82	Oct. 9/82
amended.....		719/82	Nov. 13/82
amended.....		284/83	May 28/83
amended.....		319/83	June 11/83
amended.....		498/83	Aug. 20/83
amended.....		786/83	Jan. 7/84
amended.....		39/84	Feb. 11/84
amended.....		76/84	Feb. 25/84
amended.....		673/84	Nov. 10/84
amended.....		740/84	Dec. 8/84
Township of Nottawasaga.....	*675 of R.R.O. 1970		
amended.....		185/81	Apr. 11/81
amended.....		237/81	May 2/81
amended.....		366/81	June 20/81
amended.....		367/81	June 20/81
amended.....		474/81	Aug. 1/81
amended.....		518/81	Aug. 22/81
amended.....		545/81	Sept. 5/81
amended.....		624/81	Oct. 10/81
amended.....		684/81	Oct. 31/81
amended.....		878/81	Jan. 16/82
amended.....		56/82	Feb. 20/82
amended.....		101/82	Mar. 6/82
amended.....		142/82	Mar. 27/82
amended.....		373/82	June 19/82
amended.....		378/82	June 19/82
amended.....		395/82	June 26/82
amended.....		462/82	July 24/82
amended.....		509/82	Aug. 14/82
amended.....		557/82	Aug. 28/82
amended.....		585/82	Sept. 18/82
amended.....		586/82	Sept. 18/82
amended.....		631/82	Oct. 9/82
amended.....		662/82	Oct. 23/82
amended.....		703/82	Nov. 6/82
amended.....		65/83	Feb. 12/83
amended.....		117/83	Mar. 19/83
amended.....		262/83	May 21/83
amended.....		312/83	June 4/83
amended.....		313/83	June 4/83
amended.....		354/83	July 2/83
amended.....		390/83	July 9/83
amended.....		391/83	July 9/83
amended.....		449/83	July 30/83
amended.....		534/83	Sept. 10/83
amended.....		535/83	Sept. 10/83
amended.....		536/83	Sept. 10/83
amended.....		537/83	Sept. 10/83
amended.....		574/83	Sept. 24/83
amended.....		694/83	Nov. 19/83
amended.....		111/84	Mar. 10/84
amended.....		118/84	Mar. 10/84
amended.....		119/84	Mar. 10/84
amended.....		213/84	Apr. 28/84
amended.....		330/84	June 9/84

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amended		336/84	June 9/84
amended		483/84	Aug. 18/84
amended		484/84	Aug. 18/84
amended		485/84	Aug. 18/84
amended		505/84	Aug. 25/84
amended		609/84	Oct. 13/84
amended		646/84	Oct. 27/84
amended		672/84	Nov. 10/84
amended		727/84	Nov. 24/84
amended		793/84	Dec. 29/84
amended		800/84	Jan. 5/85
Township of Nottawasaga		302/82	May 22/82
Township of Tay (revoking Reg.)		148/81	Apr. 4/81
Township of Tecumseth		*300/74	
amended		616/82	Oct. 2/82
(revoked by 314/84)			
Township of Tecumseth (revoking Reg.)		314/84	June 2/84
Township of Tiny		190/81	Apr. 11/81
amended		728/84	Dec. 1/84
Township of Vespra		*62/73	
amended		202/81	Apr. 18/81
amended		274/81	May 16/81
amended		307/81	May 23/81
amended		491/81	Aug. 8/81
amended		492/81	Aug. 8/81
amended		519/81	Aug. 22/81
amended		374/82	June 19/82
amended		375/82	June 19/82
amended		765/82	Dec. 4/82
amended		5/83	Jan. 22/83
amended		761/83	Dec. 17/83
amended		771/83	Dec. 24/83
amended		528/84	Sept. 1/84
amended		770/84	Dec. 22/84
amended		771/84	Dec. 22/84
County of Victoria, Township of Ops (revoking Reg.)		715/81	Nov. 7/81
District of Algoma, Geographic townships of Cobden, Striker, Scarfe and Mack		409/82	June 26/82
amended		332/83	June 18/83
Geographic townships of Lewis, Long, Shedden, Spragge and Striker		*662 of R.R.O. 1970	
amended		370/82	June 12/82
amended		409/82	June 26/82
(revoked by 299/84)			

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Geographic townships of Lewis, Long, Shedden, Spragge and Striker (revoking Reg.).....		299/84	May 26/84
Geographic Township of West.....		182/81	Apr. 11/81
amended.....		308/81	May 30/81
Sault Ste. Marie North Planning Area...		279/80	
amended.....		161/81	Apr. 4/81
amended.....		281/81	May 23/81
amended.....		380/81	June 20/81
amended.....		497/81	Aug. 15/81
amended.....		716/81	Nov. 7/81
amended.....		863/81	Jan. 16/82
amended.....		2/82	Jan. 23/82
amended.....		63/82	Feb. 20/82
amended.....		159/82	Apr. 3/82
amended.....		266/82	May 8/82
amended.....		333/82	June 5/82
amended.....		514/82	Aug. 14/82
amended.....		583/82	Sept. 11/82
amended.....		118/83	Mar. 19/83
amended.....		139/83	Mar. 26/83
amended.....		204/83	Apr. 23/83
amended.....		529/83	Sept. 3/83
amended.....		548/83	Sept. 10/83
amended.....		593/83	Oct. 15/83
amended.....		50/84	Feb. 18/84
amended.....		51/84	Feb. 18/84
amended.....		92/84	Mar. 3/84
amended.....		268/84	May 12/84
amended.....		269/84	May 12/84
amended.....		537/84	Sept. 8/84
amended.....		762/84	Dec. 15/84
District of Cochrane, Town of Kapuskasing..... (revoked by 469/84)		*669 of R.R.O. 1970	
Town of Kapuskasing (revoking Reg.)....		469/84	Aug. 11/84
Town of Kapuskasing..... (revoked by 477/84)		172/75	
Town of Kapuskasing (revoking Reg.)....		477/84	Aug. 18/84
Township of Glackmeyer.....		*271/74	
Geographic townships of Casgrain, Hanlan, Kendall, Lowther and Way.....		*493/78	
amended.....		63/81	Feb. 28/81
amended.....		486/82	July 31/82
amended.....		230/83	May 7/83
amended.....		326/83	June 18/83
amended.....		281/84	May 19/84
amended.....		337/84	June 16/84
amended.....		631/84	Oct. 20/84
amended.....		741/84	Dec. 8/84

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Geographic townships of O'Brien, Owen and Teetzel.....		423/78	
Sunday Lake Area and Lower Detour Lake Area.....		280/81	May 23/81
District of Kenora, Geographic Township of Baird..... (revoked by 85/84)		12/78	
Geographic Township of Baird.....		162/82	Apr. 3/82
Geographic townships of Brownridge, Ewart, Glass, Kirkup and Pelican.....		482/71	
Geographic Township of Forgie.....		798/81	Dec. 12/81
Geographic Township of Pellatt.....		783/82	Dec. 18/82
Geographic Township of Pettypiece.....		177/80	
Geographic Township of Van Horne..... (revoked by 110/84)		343/82	June 12/82
Geographic Township of Van Horne (revoking Reg.).....		110/84	Mar. 10/84
Geographic Township of Wainwright.....		797/79	
Geographic Township of Wainwright.....		326/81	May 30/81
Territorial District of Kenora (Part of Summer Resort Location L.K. 324 - Parcel 15400 - District of Kenora Freehold).....		327/81	May 30/81
Territorial District of Kenora.....		718/82	Nov. 13/82
amended.....		470/84	Aug. 11/84
District of Manitoulin, Geographic townships of Campbell, Dawson, Mills and Robinson (*153/74)			
amended.....		144/81	Mar. 28/81
amended.....		158/81	Apr. 4/81
amended.....		435/81	July 11/81
amended.....		530/81	Aug. 29/81
(revoked by 672/81)			
District of Manitoulin, Geographic townships of Campbell, Dawson, Mills and Robinson.....		672/81	Oct. 24/81
amended.....		206/82	Apr. 24/82
amended.....		267/82	May 8/82
amended.....		369/82	June 12/82
amended.....		444/82	July 17/82
amended.....		610/82	Sept. 25/82
amended.....		205/83	Apr. 23/83

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amended		206/83	Apr. 23/83
amended		652/83	Oct. 29/83
amended		692/83	Nov. 12/83
amended		717/83	Dec. 3/83
amended		14/84	Jan. 28/84
amended		562/84	Sept. 15/84
District of Nipissing, Geographic townships of Askin, Gladman, Joan and Macpherson		486/71	
Geographic Township of Phyllis		811/81	Dec. 19/81
Geographic Township of Strathy (revoked by 813/84)	*666 of R.R.O. 1970		
Geographic Township of Strathy (revoking Reg.)		813/84	Jan. 5/85
part of the District (see Schedule to the Regulation)		*540/74	
amended		35/81	Feb. 14/81
amended		75/81	Mar. 7/81
amended		397/81	June 27/81
amended		457/81	July 25/81
amended		562/81	Sept. 12/81
amended		563/81	Sept. 12/81
amended		564/81	Sept. 12/81
amended		673/81	Oct. 24/81
amended		740/81	Nov. 21/81
amended		745/81	Nov. 28/81
amended		758/81	Nov. 28/81
amended		830/81	Dec. 26/81
amended		831/81	Dec. 26/81
amended		57/82	Feb. 20/82
amended		149/82	Apr. 3/82
amended		209/82	Apr. 24/82
amended		210/82	Apr. 24/82
amended		334/82	June 5/82
amended		361/82	June 12/82
amended		383/82	June 19/82
amended		463/82	July 24/82
amended		464/82	July 24/82
amended		485/82	July 31/82
amended		500/82	Aug. 7/82
amended		581/82	Sept. 11/82
amended		582/82	Sept. 11/82
amended		678/82	Oct. 23/82
amended		702/82	Nov. 6/82
amended		708/82	Nov. 13/82
amended		777/82	Dec. 11/82
amended		846/82	Jan. 8/83
amended		337/83	June 25/83
amended		680/83	Nov. 12/83
amended		712/83	Nov. 26/83
amended		775/83	Dec. 31/83
amended		776/83	Dec. 31/83
amended		777/83	Dec. 31/83

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amended		1/84	Jan. 21/84
amended		224/84	Apr. 28/84
amended		331/84	June 9/84
amended		400/84	July 7/84
amended		436/84	July 21/84
amended		437/84	July 21/84
amended		553/84	Sept. 8/84
amended		594/84	Oct. 6/84
amended		595/84	Oct. 6/84
amended		596/84	Oct. 6/84
amended		597/84	Oct. 6/84
amended		742/84	Dec. 8/84
amended		744/84	Dec. 8/84
amended		757/84	Dec. 15/84
amended		774/84	Dec. 22/84
amended		798/84	Jan. 5/85
Township of Temagami		*667 of R.R.O. 1970	
amended		561/81	Sept. 12/81
amended		454/82	July 17/82
amended		535/82	Aug. 21/82
amended		17/83	Jan. 22/83
(revoked by 583/84)			
Township of Temagami (revoking Reg.)		583/84	Sept. 29/84
District of Parry Sound, Geographic Township of Croft		153/80	
Geographic Township of Croft		1110/80	
Geographic Township of East Mills		1133/80	
Geographic Township of Ferguson		1109/80	
amended		396/81	June 27/81
Geographic Township of Ferguson (Plan M-478)		537/82	Aug. 21/82
Geographic Township of Ferguson (Plan M-512)		538/82	Aug. 21/82
amended		250/84	May 12/84
Geographic Townships of McKenzie and Patterson		*484/71	
amended		74/82	Feb. 27/82
amended		405/82	June 26/82
District of Rainy River, Geographic Township of Miscampbell		449/74	
amended		575/81	Sept. 12/81
amended		603/81	Sept. 19/81
amended		712/81	Nov. 7/81
Registered Plan No. SM-293 (south of the Geographic Township of Trottier)		483/71	
Township of Alberton		*268/74	

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District of Sudbury, Geographic Townships of Emo and Strathearn		485/71	
Geographic Township of Ivanhoe		831/82	Jan. 8/83
Part of the District (*568/72) amended		1/81	Jan. 24/81
amended		14/81	Feb. 7/81
amended		384/81	June 27/81
amended		385/81	June 27/81
amended		477/81	Aug. 1/81
amended		487/81	Aug. 8/81
amended		509/81	Aug. 15/81
amended		532/81	Aug. 29/81
amended		543/81	Sept. 5/81
amended (revoked by 834/81)		572/81	Sept. 12/81
Territorial District of Sudbury		834/81	Jan. 2/82
amended		67/82	Feb. 20/82
amended		79/82	Mar. 6/82
amended		110/82	Mar. 13/82
amended		116/82	Mar. 20/82
amended		117/82	Mar. 20/82
amended		118/82	Mar. 20/82
amended		242/82	May 1/82
amended		243/82	May 1/82
amended		257/82	May 1/82
amended		450/82	July 17/82
amended		476/82	July 24/82
amended		501/82	Aug. 7/82
amended		563/82	Sept. 4/82
amended		584/82	Sept. 11/82
amended		611/82	Sept. 25/82
amended		700/82	Nov. 6/82
amended		701/82	Nov. 6/82
amended		53/83	Feb. 5/83
amended		183/83	Apr. 16/83
amended		208/83	Apr. 23/83
amended		261/83	May 21/83
amended		292/83	May 28/83
amended		293/83	May 28/83
amended		349/83	June 25/83
amended		473/83	Aug. 13/83
amended		488/83	Aug. 20/83
amended		547/83	Sept. 10/83
amended		564/83	Sept. 24/83
amended		577/83	Oct. 1/83
amended		585/83	Oct. 1/83
amended		586/83	Oct. 1/83
amended		714/83	Nov. 26/83
amended		94/84	Mar. 3/84
amended		99/84	Mar. 3/84
amended		766/84	Dec. 15/84
amended		767/84	Dec. 15/84
amended		768/84	Dec. 15/84
Township of Baldwin		*270/74	

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District of Thunder Bay, Geographic townships of Ashmore, Errington, Fulford and McQuesten.....		364/81	June 20/81
amended.....		441/83	July 23/83
amended.....		696/84	Nov. 17/84
Geographic townships of Gorham and Ware.....		*109/75	
amended.....		288/82	May 15/82
amended.....		664/82	Oct. 23/82
amended.....		690/82	Oct. 30/82
amended.....		796/82	Dec. 18/82
amended.....		362/83	July 9/83
amended.....		576/83	Oct. 1/83
amended.....		6/84	Jan. 21/84
amended.....		84/84	Feb. 25/84
amended.....		167/84	Mar. 31/84
amended.....		228/84	Apr. 28/84
amended.....		456/84	Aug. 4/84
amended.....		502/84	Aug. 18/84
amended.....		541/84	Sept. 8/84
amended.....		589/84	Sept. 29/84
amended.....		590/84	Sept. 29/84
amended.....		607/84	Oct. 6/84
amended.....		623/84	Oct. 20/84
amended.....		644/84	Oct. 27/84
amended.....		645/84	Oct. 27/84
amended.....		745/84	Dec. 8/84
amended.....		758/84	Dec. 15/84
amended.....		759/84	Dec. 15/84
amended.....		760/84	Dec. 15/84
Geographic Township of Lyon.....		897/79	
Geographic townships of Pearson and Scoble.....		*219/75	
amended.....		442/83	July 23/83
amended.....		545/83	Sept. 10/83
amended.....		566/84	Sept. 15/84
Geographic Township of Upsala.....		296/80	
Geographic Township of Upsala.....		64/81	Feb. 28/81
amended.....		533/81	Aug. 29/81
Savant Lake Townsite (Registered Part M-56).....		131/80	
District of Timiskaming, Town of Charlton, the Township of Chamberlain and the geographic townships of Boston, Dack, Evanturel, Lebel, Marquis, Marter, McElroy, Otto and Pacaud.....		*671 of R.R.O. 1970	
amended.....		143/81	Mar. 28/81
amended.....		243/81	May 9/81
amended.....		355/81	June 13/81
amended.....		458/81	July 25/81

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amended		490/81	Aug. 8/81
amended		527/81	Aug. 22/81
amended		539/81	Aug. 29/81
amended		172/82	Apr. 10/82
amended		208/82	Apr. 24/82
amended		403/82	June 26/82
amended		643/82	Oct. 16/82
amended		645/82	Oct. 16/82
amended		749/82	Nov. 27/82
amended		83/83	Feb. 19/83
amended		486/83	Aug. 20/83
amended		487/83	Aug. 20/83
amended		672/83	Nov. 5/83
amended		329/84	June 9/84
amended		438/84	July 21/84
amended		454/84	Aug. 4/84
amended		455/84	Aug. 4/84
amended		565/84	Sept. 15/84
Town of Charlton		*356/80	
Geographic Township of Haultain		467/80	
Municipality of Metropolitan Toronto, the Borough of Scarborough (now the City of Scarborough)		* 20/74	
Regional Municipality of Durham, Town of Ajax		* 18/74	
Town of Pickering		* 19/74	
amended		779/81	Dec. 9/81
amended		394/82	June 26/82
amended		160/83	Apr. 9/83
amended		195/83	Apr. 16/83
Township of Uxbridge (formerly the Township of Scott in the County of Ontario)		*634/77	
Town of Whitby		*467/74	
Regional Municipality of Haldimand-Norfolk, townships of Delhi and Norfolk (formerly in the Township of Middleton)		*347/74	
Regional Municipality of Niagara, Township of West Lincoln (revoking Reg.)		165/81	Apr. 4/81
Regional Municipality of Ottawa-Carleton, Township of Cumberland		*323/74	
amended		152/81	Apr. 4/81
amended		606/84	Oct. 4/84
Township of West Carleton (formerly in the Township of Fitzroy)		670 of R.R.O. 1970	

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Township of West Carleton (formerly in the Township of Fitzroy)..... (revoked by 720/84)		*325/74	
Township of West Carleton (formerly in the Township of Fitzroy) (revoking Reg.).....		720/84	Nov. 24/84
Regional Municipality of Waterloo, City of Cambridge (formerly in the Township of North Dumfries).....		535/79	
Regional Municipality of York, Town of Markham.....		*104/72	
amended.....		125/81	Mar. 21/81
amended.....		207/81	Apr. 18/81
amended.....		349/81	June 13/81
amended.....		436/81	July 11/81
amended.....		444/81	July 18/81
amended.....		540/81	Sept. 5/81
amended.....		670/81	Oct. 24/81
amended.....		789/81	Dec. 12/81
amended.....		8/82	Jan. 30/82
amended.....		138/82	Mar. 27/82
amended.....		388/82	June 19/82
amended.....		663/82	Oct. 23/82
amended.....		770/82	Dec. 11/82
amended.....		850/82	Jan. 15/83
amended.....		737/83	Dec. 10/83
amended.....		747/83	Dec. 17/83
amended.....		57/84	Feb. 18/84
amended.....		540/84	Sept. 8/84
Town of Markham..... (revoked by 317/82)		269/81	May 16/81
Town of Markham (revoking Reg.).....		317/82	May 29/82
Town of Richmond Hill.....		268/81	May 16/81
Town of Whitchurch-Stouffville.....		*101/72	
amended.....		369/81	June 20/81
Rules of Procedure - Consent Applications.....	786		
amended.....		467/81	July 25/81
amended.....		28/82	Feb. 13/82
amended..... (revoked by 406/83)		439/82	July 10/82
- Minor Variance Applications.....	787		
amended.....		466/81	July 25/81
amended..... (revoked by 447/83)		554/82	Aug. 28/82
Subdivision Control, County of Hastings - Plan No. 38.....		673 of R.R.O. 1970	

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District of Algoma - Plan M-51		216/72	
District of Algoma - Plan R-812		357/80	
District of Cochrane - Plan M-13		402/72	
District of Kenora - Plans M-133 and M-134		308/79	
amended		494/82	Aug. 7/82
District of Manitoulin - Plans 46 and 49		711/81	Nov. 7/81
District of Nipissing - Plans M-66, M-251 and M-269	668 of R.R.O. 1970		
District of Thunder Bay - Plans 431 and 619		362/75	
District of Thunder Bay - Plan M-56		343/79	
District of Thunder Bay - Plan M-103		221/80	
Withdrawal of Delegation of Authority of Minister under Section 53 of the Planning Act (revoked by 789/82)		785/82	Dec. 18/82
Withdrawal of Delegation of Authority of Minister under Section 53 of the Planning Act		789/82	Dec. 18/82
PLANNING ACT, 1983			
Delegation of Authority of Minister under Section 4 of the Planning Act, 1983 -			
Condominium Plans		475/83	Aug. 13/83
Consents		474/83	Aug. 13/83
amended		104/84	Mar. 3/84
amended		693/84	Nov. 17/84
Official Plans		477/83	Aug. 13/83
Subdivision Plans		476/83	Aug. 13/83
Notice Requirements -			
Interim Control By-Laws		405/83	July 16/83
Official Plans and Community Improvement Plans		402/83	July 16/83
Removal of Holding Symbol from Zoning By-law		403/83	July 16/83
Zoning By-Laws		404/83	July 16/83
amended		535/84	Sept. 1/84

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Planning Board Fees		481/83	Aug. 13/83
Rules of Procedure - Consent Applications		406/83	July 16/83
- Minor Variance Applications		447/83	July 30/83
Zoning Areas -			
District of Kenora, Geographic Township of Wainwright		734/84	Dec. 1/84
Territorial District of Kenora		662/83	Oct. 29/83
amended		471/84	Aug. 11/84
Territorial District of Kenora		663/83	Oct. 29/83
Territorial District of Kenora		753/84	Dec. 15/84
Unorganized Parts of the Red Lake and Area Planning Area		85/84	Feb. 25/84
District of Nipissing, Geographic Township of Phelps		774/83	Dec. 31/83
District of Thunder Bay, Geographic Township of Bomby		257/84	May 12/84
Geographic Township of Bomby		339/84	June 16/84
Geographic Township of Bomby		350/84	June 23/84
Geographic Township of Brothers		86/84	Feb. 25/84
Geographic Township of Pic		688/84	Nov. 17/84
Territorial District of Thunder Bay		340/84	June 16/84
Territorial District of Thunder Bay		697/84	Nov. 17/84
District of Timiskaming, Geographic Township of Grenfell		647/83	Oct. 29/83
Geographic Township of Grenfell		679/83	Nov. 12/83
Geographic Township of Otto		252/84	May 12/84
PLANT DISEASES ACT			
General	788		
POLICE ACT			
Arbitration	789		
Equipment	790		
amended		336/81	June 6/81
amended		816/82	Jan. 1/83
amended		364/84	June 23/84

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General - Discipline.....	791		
amended.....		74/84	Feb. 25/84
Municipal Police Forces.....	792		
Responsibility of Policing.....	793		
amended.....		837/82	Jan. 8/83
amended.....		715/84	Nov. 17/84
amended.....		716/84	Nov. 17/84
POWER CORPORATION ACT			
Electrical Safety Code..... (revoked by 183/84)	794		
Electrical Safety Code.....		183/84	Apr. 21/84
Fees..... (revoked by 384/82)	795		
Fees..... (revoked by 746/84)		384/82	June 19/82
Fees.....		746/84	Dec. 8/84
Pension and Insurance Plan.....	796		
amended.....		442/82	July 10/82
amended.....		173/83	Apr. 9/83
amended.....		530/83	Sept. 3/83
amended.....		768/83	Dec. 24/83
amended.....		802/84	Jan. 5/85
Water Heaters.....	797		
PREARRANGED FUNERAL SERVICES ACT			
Trust Accounts.....	798		
amended.....		352/84	June 23/84
PRIVATE HOSPITALS ACT			
General.....	799		
amended.....		628/81	Oct. 10/81
PRIVATE INVESTIGATORS AND SECURITY GUARDS ACT			
General.....	800		
PRIVATE VOCATIONAL SCHOOLS ACT			
General.....	801		
amended.....		499/81	Aug. 15/81
amended.....		184/83	Apr. 16/83

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PROFESSIONAL ENGINEERS ACT (now Professional Engineers Act, 1984 - see S.O. 1984, c. 13)			
Consulting Engineers..... (revoked by 538/84)	802		
Designation of Specialists..... (revoked by 538/84)	803		
General..... (revoked by 538/84)	804		
Practice and Procedure for Hearings..... (revoked by 538/84)	805		
PROFESSIONAL ENGINEERS ACT, 1984			
General.....		538/84	Sept. 8/84
amended.....		809/84	Jan. 5/85
PROVINCIAL COURT (CIVIL DIVISION) PROJECT ACT (now Provincial Court (Civil Division) Act - see S.O. 1982, c. 58, s. 1)			
Rules of the Provincial Court (Civil Division).....	806		
amended.....		732/81	Nov. 21/81
amended.....		284/82	May 15/82
amended.....		450/83	July 30/83
amended.....		453/83	July 30/83
amended.....		406/84	July 14/84
amended.....		685/84	Nov. 10/84
(revoked by 797/84)			
PROVINCIAL COURTS ACT			
Destruction of Records Made by Court Reporter.....		60/83	Feb. 12/83
Observation and Detention Homes.....	807		
Part-time Provincial Judges Authorized to Practise Law.....	808		
amended.....		81/81	Mar. 14/81
amended.....		719/81	Nov. 14/81
amended.....		574/82	Sept. 11/82
amended.....		566/83	Sept. 24/83
amended.....		332/84	June 16/84
Provincial Judges Benefits.....		332/84	June 16/84
amended.....		803/84	Jan. 5/85
Rules of Practice and Procedure of the Provincial Offences Courts.....	809		
amended.....		651/82	Oct. 16/82

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Rules of the Provincial Court (Family Division)	810		
amended		652/82	Oct. 16/82
(See now Courts of Justice Act, 1984 - S.O. 1984, c.11)			
Salaries and Benefits of Provincial Judges	811		
amended		426/81	July 11/81
amended		177/82	Apr. 10/82
amended		573/82	Sept. 11/82
amended		372/83	July 9/83
amended		565/83	Sept. 24/83
amended		332/84	June 16/84
amended		804/84	Jan. 5/85
Stenographic Reporters	812		
PROVINCIAL LAND TAX ACT			
Exemption	813		
Forms		303/83	June 4/83
amended		12/84	Jan. 28/84
General	814		
amended		508/83	Aug. 27/83
amended		549/83	Sept. 10/83
PROVINCIAL OFFENCES ACT			
Costs	815		
amended		285/82	May 15/82
Extensions of Prescribed Times	816		
Fine Option Program		142/83	Mar. 26/83
Proceedings Commenced by Certificate of Offence	817		
amended		517/81	Aug. 15/81
amended		382/82	June 19/82
amended		686/82	Oct. 30/82
amended		713/82	Nov. 13/82
amended		766/82	Dec. 11/82
amended		33/83	Feb. 5/83
Rules of Practice and Procedure on Appeals in the Court of Appeal under the Provincial Offences Act	818		
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Rules of Practice and Procedure on Appeals in the Provincial Court (Criminal Division) under Section 118 of the Act	820		

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PROVINCIAL PARKS ACT			
Designation of Parks	821		
amended		279/81	May 23/81
amended		429/82	July 3/82
amended		768/82	Dec. 11/82
amended		154/83	Apr. 30/83
amended		220/83	Apr. 30/83
amended		343/83	June 25/83
amended		378/83	July 9/83
amended		68/84	Feb. 18/84
amended		69/84	Feb. 18/84
amended		129/84	Mar. 17/84
amended		152/84	Mar. 24/84
amended		187/84	Apr. 14/84
amended		409/84	July 14/84
amended		410/84	July 14/84
amended		625/84	Oct. 20/84
amended		680/84	Nov. 10/84
General	822		
amended		251/81	May 16/81
amended		188/82	Apr. 10/82
amended		191/82	Apr. 10/82
amended		569/82	Sept. 4/82
amended		612/82	Sept. 25/82
amended		211/83	Apr. 23/83
amended		344/83	June 25/83
amended		644/83	Oct. 29/83
amended		128/84	Mar. 17/84
amended		188/84	Apr. 14/84
amended		546/84	Sept. 3/84
amended		702/84	Nov. 17/84
amended		783/84	Dec. 29/84
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General	825		
amended		227/81	Apr. 25/81
amended		255/83	May 21/83
amended		661/84	Nov. 3/84
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Licence Fee	826		
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Extending Validity of Public Commercial Vehicle Licences..... (expired)		84/82	Mar. 6/82
Extending Validity of Public Commercial Vehicle Licences..... (expired)		86/83	Feb. 26/83
Extending Validity of Public Commercial Vehicle Licences		123/84	Mar. 10/84
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amended.....		205/81	Apr. 18/81
amended.....		663/81	Oct. 24/81
amended.....		778/81	Dec. 5/81
Intercorporate Exemption.....		76/82	Mar. 6/82
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amended.....		219/84	Apr. 28/84
(revoked by 292/84)			
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amended.....		131/81	Mar. 28/81
amended.....		781/81	Dec. 5/81
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amended.....		210/83	Apr. 23/83
amended.....		496/83	Aug. 20/83
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amended.....		174/82	Apr. 10/82
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amended.....		130/81	Mar. 28/81
amended.....		394/81	June 27/81
amended.....		747/81	Nov. 28/81
amended.....		560/82	Aug. 28/82
amended.....		712/82	Nov. 13/82
amended.....		587/83	Oct. 1/83
amended.....		345/84	June 16/84
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amended		749/81	Nov. 28/81
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amended		552/83	Sept. 10/83
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amended		45/84	Feb. 11/84
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amended		32/83	Feb. 5/83
amended		705/83	Nov. 19/83
amended		639/84	Oct. 27/84
amended		674/84	Nov. 10/84
amended		695/84	Nov. 17/84
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amended		580/81	Sept. 12/81
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Oil Conversion Grants		229/82	May 1/82
Special Grant - Hawkesbury and District General Hospital		43/81	Feb. 21/81
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Public Hospitals in Ontario		170/81	Apr. 11/81
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amended		188/83	Apr. 16/83
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amended		354/82	June 12/82
amended		470/83	Aug. 6/83
amended		617/84	Oct. 20/84
PUBLIC SECTOR PRICES AND COMPENSATION REVIEW ACT, 1983			
General		131/84	Mar. 17/84

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General	881		
amended		77/81	Mar. 7/81
amended		162/81	Apr. 4/81
amended		26/82	Feb. 13/82
amended		328/82	June 5/82
amended		96/83	Mar. 5/83
amended		260/83	May 21/83
amended		286/83	May 28/83
amended		38/84	Feb. 11/84
amended		431/84	July 21/84
amended		686/84	Nov. 17/84
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amended		502/83	Aug. 27/83
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amended		827/81	Dec. 26/81
amended		48/82	Feb. 20/82
amended		256/83	May 21/83
amended		375/83	July 9/83
amended		620/83	Oct. 15/83
amended		244/84	May 5/84
amended		683/84	Nov. 10/84
PUBLIC VEHICLES ACT			
General	888		
amended		65/81	Feb. 28/81
amended		399/81	July 4/81
amended		662/81	Oct. 24/81
amended		398/82	June 26/82
amended		379/84	June 30/84

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Rate of Tax	889		
amended		180/81	Apr. 11/81
amended		548/81	Sept. 5/81
amended		40/82	Feb. 13/82
amended		507/83	Aug. 27/83

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General	890		
amended		479/82	July 31/82
amended		818/84	Jan. 19/85
REAL ESTATE AND BUSINESS BROKERS ACT			
General	891		
amended		705/81	Nov. 7/81
amended		23/82	Feb. 6/82
amended		618/83	Oct. 15/83
amended		87/84	Mar. 3/84
amended		198/84	Apr. 14/84
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Application of Act	892		
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Reciprocating States	893		
amended		212/81	Apr. 25/81
amended		245/84	May 5/84
REGIONAL MUNICIPALITY OF DURHAM ACT			
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Order of the Minister-Transitional Mill Rates		209/83	Apr. 23/83
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ACT			
Alteration of Status - Township of Flamborough		814/84	Jan. 5/85
Order of the Minister (this Reg. amends O.Reg. 148/78 see Schedule to R.R.O., 1980)		353/83	June 25/83
Order - Town of Stoney Creek		781/83	Dec. 31/83
REGIONAL MUNICIPALITY OF SUDBURY ACT			
Order of the Minister-Rates of Taxation		392/82	June 26/82
Order of the Minister-Transitional Mill Rates		607/82	Sept. 25/82
Order of the Minister-Transitional Mill Rates		501/83	Aug. 27/83
Order of the Minister-Transitional Mill Rates		445/84	July 28/84

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REGISTERED INSURANCE BROKERS ACT			
Composition and Election of Council		447/84	July 28/84
Exemption (revoked by 636/82)		636/81	Oct. 17/81
Exemptions		636/82	Oct. 9/82
General		637/81	Oct. 17/81
amended		624/82	Oct. 9/82
amended		447/84	July 28/84
amended		698/84	Nov. 17/84
REGISTRY ACT			
Canada Lands	894		
amended		168/83	Apr. 9/83
Certification Areas		825/81	Dec. 26/81
Fees	895		
amended		807/81	Dec. 19/81
amended		323/83	June 11/83
amended		136/84	Mar. 17/84
Forms and Records	896		
amended		512/81	Aug. 15/81
amended		584/81	Sept. 12/81
amended		638/81	Oct. 17/81
amended		324/82	May 29/82
amended		351/82	June 12/82
amended		171/83	Apr. 9/83
amended		279/83	May 21/83
amended		559/83	Sept. 17/83
amended		787/83	Jan. 7/84
amended		285/84	May 19/84
amended		552/84	Sept. 8/84
amended		578/84	Sept. 29/84
Registry Divisions (revoked by 551/81)	897		
Registry Divisions		551/81	Sept. 5/81
amended		167/83	Apr. 9/83
amended		448/84	July 28/84
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amended		552/81	Sept. 5/81
amended		169/83	Apr. 9/83
amended		577/84	Sept. 29/84
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General	899		
amended		592/83	Oct. 15/83

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RESIDENTIAL TENANCIES ACT			
Exemption (revoked by 691/84)	900		
Exemption (revoking Reg.)		691/84	Nov. 17/84
Fees and Forms	901		
amended		824/81	Dec. 26/81
amended		153/83	Apr. 2/83
Regions	902		
RETAIL SALES TAX ACT			
Definitions		52/81	Feb. 21/81
Definitions by Minister	903		
amended		53/81	Feb. 21/81
amended		111/81	Mar. 14/81
amended		141/81	Mar. 28/81
amended		606/81	Sept. 26/81
amended		837/81	Jan. 2/82
amended		868/81	Jan. 19/82
amended		55/82	Feb. 20/82
amended		273/82	May 8/82
amended		303/82	May 22/82
amended		590/82	Sept. 18/82
amended		737/82	Nov. 20/82
amended		821/82	Jan. 1/83
amended		126/83	Mar. 26/83
amended		238/83	May 14/83
amended		568/83	Sept. 24/83
amended		7/84	Jan. 21/84
amended		165/84	Mar. 31/84
amended		222/84	Apr. 28/84
amended		604/84	Oct. 6/84
amended		723/84	Nov. 24/84
Extension of Delivery Date for Furniture (expired)		382/81	June 20/81
General	904		
amended		91/81	Mar. 14/81
amended		92/81	Mar. 14/81
amended		140/81	Mar. 28/81
amended		178/81	Apr. 11/81
amended		381/81	June 20/81
amended		476/81	Aug. 1/81
amended		586/81	Sept. 12/81
amended		619/81	Oct. 10/81
amended		718/81	Nov. 14/81
amended		813/81	Dec. 19/81
amended		41/82	Feb. 13/82
amended		167/82	Apr. 3/82
amended		168/82	Apr. 3/82
amended		232/82	May 1/82
amended		244/82	May 1/82
amended		249/82	May 1/82

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amended		342/82	June 12/82
amended		634/82	Oct. 9/82
amended		731/82	Nov. 20/82
amended		334/83	June 18/83
amended		503/83	Aug. 27/83
amended		619/83	Oct. 15/83
amended		8/84	Jan. 21/84
amended		265/84	May 12/84
amended		591/84	Sept. 29/84
amended		714/84	Nov. 17/84
Rebate for Eligible 1981 Motor Vehicles...		755/81	Nov. 28/81
Tax Rebate for New Light Trucks or Vans... (this Reg. amends O.Reg. 1010/80 see Schedule to R.R.O. 1980)		177/81	Apr. 11/81
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General	905		
S			
ST. CLAIR PARKWAY COMMISSION ACT			
General	906		
amended		149/81	Apr. 4/81
amended		383/83	July 9/83
amended		259/84	May 12/84
ST. LAWRENCE PARKS COMMISSION ACT			
Controlled Access Highways	907		
Highway Vested in the Commission	908		
Parks	909		
amended		31/81	Feb. 14/81
amended		3/82	Jan. 23/82
amended		130/82	Mar. 20/82
amended		225/83	Apr. 30/83
amended		260/84	May 12/84
SECURITIES ACT			
General	910		
amended		84/81	Mar. 14/81
amended		224/81	Apr. 25/81
amended		238/81	May 2/81
amended		637/82	Oct. 9/82
amended		649/82	Oct. 16/82
amended		808/82	Dec. 25/82
amended		180/83	Apr. 16/83
amended		205/84	Apr. 14/84
amended		286/84	May 19/84

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SEED POTATOES ACT			
General	911		
SHEEP AND WOOL MARKETING ACT, 1981			
Licence Fees		146/82	Mar. 27/82
amended		68/83	Feb. 12/83
amended		515/83	Aug. 27/83
SHORELINE PROPERTY ASSISTANCE ACT			
General	912		
amended		276/81	May 23/81
amended		213/82	Apr. 24/82
SMALL BUSINESS DEVELOPMENT CORPORATIONS ACT			
Additional Material to be Furnished with Grant Applications		24/84	Feb. 4/84
Delegation of Powers	913		
amended		164/83	Apr. 9/83
Forms	914		
amended		392/83	July 9/83
amended		157/84	Mar. 24/84
General	915		
amended		587/81	Sept. 12/81
amended		42/82	Feb. 13/82
amended		300/83	June 4/83
amended		506/83	Aug. 27/83
amended		25/84	Feb. 4/84
amended		632/84	Oct. 20/84
Terms and Conditions Relating to Beneficial Ownership of Equity Shares		299/83	June 4/83
SMALL CLAIMS COURTS ACT			
Courts	916		
amended		373/83	July 9/83
amended		374/83	July 9/83
amended		127/84	Mar. 17/84
amended		150/84	Mar. 24/84
Rules of Procedure	917		
amended		540/82	Aug. 21/82
amended		452/83	July 30/83
amended		392/84	July 7/84
(revoked by 797/84) (see now Courts of Justice Act, 1984 - S.O. 1984, c. 11)			
Small Claims Courts Judges	918		
amended		112/81	Mar. 14/81
amended		425/81	July 11/81

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amended		178/82	Apr. 10/82
amended		575/82	Sept. 11/82
(revoked by 370/83)			
Small Claims Courts Judges(Revoking Reg.)		370/83	July 9/83
Tariff of Fees	919		
amended		731/81	Nov. 21/81
amended		286/82	May 15/82
amended		451/83	July 30/83
amended		407/84	July 14/84
amended		684/84	Nov. 10/84
(revoked by 797/84)			
(See now Courts of Justice Act, 1984 - S.O. 1984, c. 11)			
STOCK YARDS ACT			
Management	920		
SUCCESSION DUTY ACT			
General		43/82	Feb. 13/82
amended		250/82	May 1/82
amended		505/83	Aug. 27/83
(these Regs. amend Reg. 804 of R.R.O.1970 - See Schedule to R.R.O.1980)			
SUPERANNUATION ADJUSTMENT BENEFITS ACT			
Designation and Review Committee - Caucus Employees Retirement Plan	921		
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Retirement Pension Plan of Ryerson Polytechnical Institute	923		
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SURROGATE COURTS ACT			
Rules of Practice - Surrogate Court	925		
amended		845/82	Jan. 8/83
amended		501/84	Aug. 18/84
SURVEYORS ACT			
General	926		
SURVEYS ACT			
Monuments	927		
(revoked by 221/81)			

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Monuments		221/81	Apr. 25/81
amended		566/81	Sept. 12/81
amended		767/82	Dec. 11/82
amended		396/84	July 7/84
Survey Methods	928		
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TEACHERS' SUPERANNUATION ACT
(see now Teachers' Superannuation Act, 1983 - S.O. 1983, c. 84)

General	930		
amended		557/81	Sept. 5/81
amended		690/81	Nov. 7/81
amended		101/83	Mar. 5/83
amended		533/83	Sept. 3/83
amended		788/83	Jan. 7/84
(revoked by 423/84)			

TEACHERS' SUPERANNUATION ACT, 1983

General		423/84	July 14/84
amended		568/84	Sept. 15/84
amended		776/84	Dec. 22/84

TECHNOLOGY CENTRES ACT, 1982

Ontario Centre for Advanced Manufacturing		773/82	Dec. 11/82
Ontario Centre for Automotive Parts Technology		810/82	Dec. 25/82
Ontario Centre for Farm Machinery and Food Processing Technology		848/82	Jan. 15/83
Ontario Centre for Microelectronics		618/82	Oct. 2/82
Ontario Centre for Resource Machinery		774/82	Dec. 11/82
(revoked by 685/83)			
Ontario Centre for Resource Machinery Technology		685/83	Nov. 12/83

THEATRES ACT

General	931		
amended		138/81	Mar. 28/81
amended		438/81	July 11/81
amended		600/81	Sept. 19/81
amended		29/82	Feb. 18/82
amended		538/83	Sept. 10/83

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TILE DRAINAGE ACT			
General	932		
TOBACCO TAX ACT			
Forms	933		
amended		272/82	May 8/82
amended		384/83	July 9/83
amended		605/84	Oct. 6/84
General	934		
amended		44/82	Feb. 13/82
amended		251/82	May 1/82
amended		504/83	Aug. 27/83
amended		605/83	Oct. 15/83
amended		743/84	Dec. 8/84
Refunds		606/83	Oct. 15/83
Taxable Prices and Tax Payable on Cigarettes and Other Tobacco Products		439/81	July 11/81
amended		629/81	Oct. 10/81
amended		870/81	Jan. 19/82
amended		185/82	Apr. 10/82
amended		447/82	July 17/82
amended		640/82	Oct. 16/82
amended		841/82	Jan. 8/83
amended		185/83	Apr. 16/83
amended		410/83	July 16/83
amended		633/83	Oct. 15/83
amended		807/83	Jan. 14/84
amended		182/84	Apr. 14/84
amended		416/84	July 14/84
TORONTO AREA TRANSIT OPERATING AUTHORITY ACT			
General	935		
amended		400/81	July 4/81
amended		441/82	July 10/82
amended		380/83	July 9/83
amended		375/84	June 30/84
TOURISM ACT			
General	936		
amended		786/81	Dec. 5/81
TRAINING SCHOOLS ACT			
General	937		
amended		822/81	Dec. 26/81
amended		734/83	Dec. 10/83
TRAVEL INDUSTRY ACT			
General	938		
amended		239/81	May 2/81

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amended		706/81	Nov. 7/81
amended		304/82	May 22/82
amended		815/82	Jan. 1/83
amended		589/83	Oct. 1/83
amended		612/83	Oct. 15/83
amended		149/84	Mar. 17/84

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UNIFIED FAMILY COURT ACT

Rules of Practice and Procedure	939		
amended		653/82	Oct. 16/82
(See now Courts of Justice Act, 1984 - S.O. 1984, c.11)			

UPHOLSTERED AND STUFFED ARTICLES ACT

General	940		
amended		294/83	June 4/83
amended		621/84	Oct. 20/84

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VENEREAL DISEASES PREVENTION ACT
(Act repealed - see S.O. 1983, c. 11, s. 111, see now Health Protection and Promotion Act, 1983, c. 11, ss. 35, 36)

General	941		
amended		499/83	Aug. 27/83
(revoked by 237/84)			

VITAL STATISTICS ACT

General	942		
amended		365/81	June 20/81
amended		539/83	Sept. 10/83

VOCATIONAL REHABILITATION SERVICES ACT

General	943		
amended		247/81	May 16/81
amended		422/81	July 11/81
amended		635/81	Oct. 17/81
amended		823/81	Dec. 26/81
amended		108/82	Mar. 13/82
amended		735/83	Dec. 10/83
amended		215/84	Apr. 28/84
amended		335/84	June 16/84

	R.R.O. 1980	O.Reg.	Date of Gazette
amended		467/84	Aug. 4/84
amended		534/84	Sept. 1/84
amended		626/84	Oct. 20/84
amended		763/84	Dec. 15/84

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WEED CONTROL ACT

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WILD RICE HARVESTING ACT

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WILDERNESS AREAS ACT

Wilderness Areas	946		
amended		412/84	July 14/84

WINE CONTENT ACT

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amended		86/82	Mar. 6/82
amended		602/82	Sept. 25/82
amended		369/83	July 9/83

WOODLANDS IMPROVEMENT ACT

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WOOL MARKETING ACT
(See now Sheep and Wool Marketing Act, 1981)

Licence Fees (revoked by 146/82)	949		

(WORKERS') WORKMEN'S COMPENSATION ACT
(now Workers' Compensation Act
- see S.O. 1982, c. 61, s. 1.)

First-Aid Requirements	950		
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amended		526/83	Sept. 3/83
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amended		409/81	July 4/81
amended		813/82	Jan. 1/83
amended		66/84	Feb. 16/84
amended		719/84	Nov. 24/84

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